

Litroy Bolton 03/07/2017

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION		1 INDEX				
4 LITROY BOLTON,	)	2 WITNESS		DX	CX	RDX RCX
5 Plaintiff,	)	3 LITROY BOLTON				
6 -vs-	) No. 16 cv 5012	4 By Mr. Coyne	4			
7 MIGUEL ORTIZ, et al.,	)	5 By Ms. West	87			
8 Defendants,	)	6				
	)	7 EXHIBITS				
	)	8 EXHIBIT NUMBER	MARKED FOR ID			
	)	9 Bolton Deposition				
	)	10 Exhibit No. 3	43			
	)	11				
12 The deposition of LITROY BOLTON, called for		12				
13 examination pursuant to the Rules of Civil Procedure		13				
14 for the United States District Courts pertaining to		14				
15 the taking of depositions, taken before Pamela L.		15				
16 Cosentino, Certified Shorthand Reporter for the State		16				
17 of Illinois, at Cook County Jail, 2700 South		17				
18 California, Illinois, on the 7th day of March, 2017,		18				
19 at the hour of 1:30 p.m.		19				
20		20				
21		21				
22		22				
23		23				
Reported by: Pamela L. Cosentino, CSR		24				
License No.: 084-003601						

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1 A P P E A R A N C E S:	1 (witness duly sworn.)
2 LOEVY & LOEVY, BY	2 MR. COYNE: Let the record reflect this is
3 MR. VINCENZO FIELD	3 the deposition of plaintiff Litroy Bolton taken
4 311 North Aberdeen Street, 3rd Floor	4 pursuant to notice to all parties and in compliance
5 Chicago, Illinois 60607	5 with all applicable rules of the Federal Rules of
6 (312) 243-8900	6 Civil Procedure.
7 Email: vince@loevy.com	
8 On behalf of the Plaintiff;	7 DIRECT EXAMINATION
9 HON. KIMBERLY M. FOXX,	8 BY MR. COYNE:
10 State's Attorney of Cook County, By	9 Q. Mr. Bolton, my name is John Coyne. I
11 MS. ALLYSON WEST	10 represent the defendants Miguel Ortiz, et al. I
12 Richard J. Daley Center	11 appreciate you making yourself available for the
13 50 West Washington	12 deposition today.
14 Chicago, Illinois 60602	13 During the deposition, how would you like me
15 (312) 603-6299	14 to address you? Mr. Bolton? Litroy?
16 Email: Allyson.west@cookcountyil.gov	15 A. Doesn't matter.
17 -AND-	16 Q. During the course of the deposition, I am
18 JOHN C. COYNE LAW OFFICE, BY	17 going to try to ask you questions that you easily
19 MR. JOHN C. COYNE	18 understand. And if I fail to do that, just let me
20 53 West Jackson Boulevard, Suite 1750	19 know.
21 Chicago, Illinois 60604	20 And I will repeat the question or rephrase
22 (312) 583-9500	21 it, whichever you prefer. Is that fair enough?
23 Email: jcc@johncoynelaw.com	22 A. Yes, sir.
24 On behalf of the Defendants;	23 Q. Can we agree that if you begin to answer the
	24 question, that that will mean, number one, you

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EXHIBIT

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1      understood it, and, number two, you are giving the 2      most complete and truthful answer you're capable of? 3      A. Yes, sir. 4      Q. Can you start with your full name including 5      middle initial, spelling it, please? 6      A. My full name is Litroy, middle name start 7      with an M, Marcelle, last name Bolton. 8      Q. What is your date of birth? 9      A. 11-15-86. 10     Q. What is your current residence address? 11     A. My current residence. 12     Q. Other than this? 13     A. 1858 South Avers. 14     Q. Is that in Chicago? 15     A. Illinois. 16     Q. Who do you reside there with? 17     A. My grandmother, Mattie Woods, M-a-t-t-i-e. 18     Q. So today you're how old? 19     A. I am 30. 20     Q. Can you give me a background of your formal 21     education, sir? 22     A. I graduated from William Penn Elementary. 23     Went to Westinghouse Career Academy, Homewood, 24     Franklin.	1      Q. What's his mother's name? 2      A. Shyera Gaston. 3      Q. Do you know how to spell the first name? 4      A. S-h-y-e-r-a, Gaston, G-a-s-t-o-n. 5      Q. Mr. Bolton, what's your Social Security 6      number? 7      A. 357-76-6727. 8      Q. You're presently in custody in the Cook 9      County Jail, Division 11; is that fair? 10     A. Yes, sir. 11     Q. What's the charge that has you here? 12     A. Allegations of I believe home invasion. 13     Q. Are you represented by private criminal 14     defense counsel or the public defender? 15     A. Public defender, sir. 16     Q. What public defender is representing you? 17     A. Armando Sandoval. 18     Q. Sandoval? 19     A. Yes. 20     Q. Do you have a trial date in that matter or is 21     it just pending? 22     A. Still pending. 23     Q. Have you ever lived in any other states 24     besides Illinois?
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1      Q. I'm sorry, what was the last thing you said? 2      A. Westinghouse career vocational high school, 3      Homewood, Franklin. Westinghouse high school. It's a 4      vocational high school. 5      Q. What year did you graduate from there? 6      A. I never graduated. I got dropped out because 7      of my attendance my junior year. 8      Q. Do you have a GED? 9      A. No, sir. 10     Q. Are you married or single? 11     A. I am single, sir. 12     Q. Have you ever been married? 13     A. No, sir. 14     Q. Do you have any children? 15     A. Yes, sir. 16     Q. How many? 17     A. I got one, a junior. 18     Q. Your name but junior? 19     A. Yes, sir. 20     Q. How old is he? 21     A. He's 15 months. 22     Q. Who does he live with? 23     A. Right now he stays with his mother I believe, 24     with his mother.	1      A. No, sir. 2      Q. Do you have any siblings? 3      A. Yes. 4      Q. How many? 5      A. Three -- there is three of us. I got two 6      sisters and one brother. 7      Q. And do your parents reside in the Chicago 8      area? 9      A. Yes, they deceased. 10     Q. Mr. Bolton, the lawsuit that has been filed 11     on your behalf alleges an incident that took place on 12     or about January 17, 2014. 13     Do you understand that? 14     A. Yes, sir. 15     Q. And a lot of the questions I am going to ask 16     you today pertain to that particular incident. 17     Do you have a specific recollection of that 18     incident, of an incident occurring on or about that 19     date? 20     A. Yes, sir. 21     Q. Are you presently under any prescription 22     medications? 23     A. No, sir. 24     Q. Are you taking anything that would affect
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<p>1 your memory or your ability to testify truthfully and      2 accurately in this deposition?</p> <p>3 A. No, sir.</p> <p>4 Q. At the time of the incident that we're here      5 today to discuss, were you an inmate in the Cook      6 County Jail?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you know -- do you recall what division      9 you were in?</p> <p>10 A. I was in Division VI, but they were      11 transferring me from Division VI to Division VIII.</p> <p>12 Q. Do you know what purpose you were being      13 transferred for?</p> <p>14 A. Not at all.</p> <p>15 Q. Do you know how long you had been in Cook      16 County Jail custody as of January 17, 2014?</p> <p>17 A. How long I was incarcerated that whole time?</p> <p>18 Q. Up to that date.</p> <p>19 So as of January 17, 2014, do you know how      20 long you had been in Cook County Jail?</p> <p>21 A. I don't know. Maybe a couple days.</p> <p>22 Q. And the arrest that put you in jail at that      23 time, was that for possession of cannabis?</p> <p>24 A. Yes, sir.</p>	<p>1 corrections officer, Miguel Ortiz; is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall approximately what time that      4 incident occurred?</p> <p>5 A. It was later on, maybe 10, 10:00 o'clock that      6 night.</p> <p>7 Q. As I understand it, you were being      8 transferred from Division VI to Division VIII?</p> <p>9 A. Yes, sir.</p> <p>10 Q. I don't know if you testified to this      11 already, but what's your understanding for the reason      12 for the transfer?</p> <p>13 A. I don't know. They just called my name and      14 told me to pack it up and be on --</p> <p>15 Q. In the course of being transferred from      16 Division VI to Division VIII, were you handcuffed at      17 any time?</p> <p>18 A. I probably was hand- -- I don't remember if I      19 was handcuffed.</p> <p>20 Q. At the time of the subject incident, were you      21 handcuffed?</p> <p>22 A. No.</p> <p>23 Q. And if I use the phrase "the subject      24 incident," can we agree that I am referring to the</p>
<p>9</p> <p>1 Q. Do you know if that was straight possession      2 or whether it was possession with intent to deliver,      3 if you know?</p> <p>4 A. I don't remember. It could have been      5 possession with intent, just a possession. I don't      6 know. I don't even remember.</p> <p>7 Q. Understood. Did you have any co-defendants      8 in that case?</p> <p>9 A. No, sir.</p> <p>10 Q. What was the eventual disposition in that      11 case? What ended up happening?</p> <p>12 A. In my preliminary hearing, the case got      13 dismissed.</p> <p>14 Q. Do you know did the officer testify at your      15 preliminary hearing?</p> <p>16 A. Yes, he did.</p> <p>17 Q. Do you know if it was dismissed because of a      18 finding of no probable cause or for some other reason?</p> <p>19 A. The finding of no probable cause. I believe      20 the judge didn't believe the officer that was      21 testifying.</p> <p>22 Q. As I understand it, the incident that      23 occurred that gave rise to your complaint had to do      24 with a conflict or an altercation between you and</p>	<p>11</p> <p>1 incident where you had an altercation with Defendant      2 Ortiz?</p> <p>3 A. Yes.</p> <p>4 MR. FIELD: Just object to the term      5 "altercation" being vague.</p> <p>6 But you can answer.</p> <p>7 BY MR. COYNE:</p> <p>8 Q. At the time of your in-custody status, on or      9 about January 17, 2014, were you under any medications      10 at that time?</p> <p>11 A. No, sir.</p> <p>12 Q. Did you have any physical ailments as of the      13 time that you were admitted in custody to Cook County      14 Jail?</p> <p>15 A. Excuse me, I don't understand that.</p> <p>16 Q. I will rephrase.</p> <p>17 Did you have any physical problems? Were you      18 in pain of any sort when you were admitted prior to      19 January 17th?</p> <p>20 A. No, sir.</p> <p>21 Q. Did you have any mental health diagnosis      22 prior to January 17, 2014, that you are aware of?</p> <p>23 A. No, none that I don't -- I do not recall.</p> <p>24 Q. As of the time you were being transported to</p>



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<p>1 Division -- from Division VI to Division VIII, how      2 many members or employees of the jail, so far as you      3 can recall, were in the process of helping you move or      4 transporting you?</p> <p>5 A. It was one transporting officer until I got      6 to the place where they actually wanted me to be.</p> <p>7 Q. Do you know the name of that officer, by      8 chance?</p> <p>9 A. Correctional Officer Ivory.</p> <p>10 Q. Where did you first encounter corrections      11 officer, Ivory? Was it while you were in the cell?</p> <p>12 A. No, I believe he was the officer that      13 actually came and got me from Division VI to do the      14 whole transfer, I believe.</p> <p>15 Q. Were you given any instructions or any      16 information from Officer Ivory or anyone else prior to      17 being moved from Division VI to Division VIII?</p> <p>18 A. No.</p> <p>19 Q. I understand that at the time of the      20 incident, you were holding certain personal items, at      21 the time the incident occurred?</p> <p>22 A. Yeah, I had the bed roll, the stuff that they      23 give you in order to fix your bed.</p> <p>24 Q. Anything else you were holding at that time?</p>	<p>1 occurred prior to your in-custody stays at Cook County      2 Jail?</p> <p>3 A. Never.</p> <p>4 Q. Now, in preparation for your deposition,      5 Mr. Bolton, other than speaking to your counsel, and I      6 don't want to know anything you said to him or he said      7 to you, but in preparation to your deposition, did you      8 do anything in particular to prepare? Did you review      9 any documents?</p> <p>10 A. Did I review any documents? I looked at a      11 couple pieces of paperwork.</p> <p>12 Q. Do you know what the paperwork was that you      13 had reviewed?</p> <p>14 A. I can't say exactly.</p> <p>15 Q. Were they documents generated by the Cook      16 County Jail as far as you know?</p> <p>17 A. Yes.</p> <p>18 Q. Were there any documents you reviewed that      19 you yourself signed?</p> <p>20 A. Me myself signed?</p> <p>21 Q. Yeah, that you signed, any documents.</p> <p>22 A. Yeah.</p> <p>23 Q. Was there more than one or was there just one      24 that you signed?</p>
<p>13</p> <p>1 A. Just the bed roll.</p> <p>2 Q. To the best of your recollection, is it fair      3 to say that you were dressed pretty much similar to      4 the way you're dressed now?</p> <p>5 A. Correct.</p> <p>6 Q. The clothes you were wearing were issued to      7 you by the Cook County Jail?</p> <p>8 A. Yes.</p> <p>9 Q. Had you ever seen Officer Miguel Ortiz at any      10 time prior to January 17, 2014?</p> <p>11 A. Never.</p> <p>12 Q. Had you ever seen Officer Ivory at any time      13 prior to that date?</p> <p>14 A. Never.</p> <p>15 Q. As of January 17, 2014, how many prior times      16 had you been in custody in the Cook County Jail?</p> <p>17 A. I have been in custody in Cook County Jail a      18 few times.</p> <p>19 Q. Do you know how many times prior to      20 January 17?</p> <p>21 A. I don't know exactly how many, but I have      22 been in custody a few times before.</p> <p>23 Q. Were there any incidents or anything, so far      24 as you understand the word "incident," anything that</p>	<p>14</p> <p>15</p> <p>1 A. Maybe a few.</p> <p>2 Q. Do you know what they were?</p> <p>3 A. Just the grievance.</p> <p>4 Q. Anything else that you did other than      5 reviewing documents in order to prepare for your      6 deposition here today?</p> <p>7 A. No, nothing.</p> <p>8 Q. Have you ever -- have you spoken to      9 corrections officer, Miguel Ortiz, at any time after      10 January 17, 2014?</p> <p>11 A. No, sir.</p> <p>12 Q. How about corrections officer, Ivory?</p> <p>13 A. No, sir.</p> <p>14 Q. Had you had a personal conversation with any      15 of the individuals who were present at the time of      16 your incident after it occurred?</p> <p>17 A. I may have seen one since I have been here.</p> <p>18 Q. Do you know who that was?</p> <p>19 A. Officer Ramos.</p> <p>20 Q. Did you any conversation with Officer Ramos?</p> <p>21 A. No, he tried to converse with me because he      22 knew who I was.</p> <p>23 Q. What, if anything, did he say to you?</p> <p>24 A. He just asked me what happened as far as with</p>



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<p>1 my situation.</p> <p>2 Q. When you say your situation, do you mean why</p> <p>3 you're presently in Cook County Jail?</p> <p>4 A. When I recently been incarcerated, he asked</p> <p>5 me as far as like what was the results as far as what</p> <p>6 happened or whatever.</p> <p>7 Q. When you say "what happened," are you</p> <p>8 referring to the incident on January 17?</p> <p>9 A. Yes.</p> <p>10 Q. What did you tell him?</p> <p>11 A. I told him nothing.</p> <p>12 Q. Did you respond in any way to him when he</p> <p>13 asked?</p> <p>14 A. I didn't tell him nothing.</p> <p>15 Q. Other than Officer Ramos, in the limited way</p> <p>16 you've described, have you had any other conversations</p> <p>17 since January 17, 2014, with employees of the Cook</p> <p>18 County Jail regarding that accident?</p> <p>19 A. No.</p> <p>20 Q. When was the first time that you saw Miguel</p> <p>21 Ortiz prior to the incident occurring?</p> <p>22 A. When was the first time that I seen Miguel</p> <p>23 Ortiz?</p> <p>24 Q. Right, prior to the incident on January 17,</p>	<p>1 general vicinity of where the incident occurred?</p> <p>2 A. Exactly.</p> <p>3 Q. Ramos was speaking to Ortiz directly at that</p> <p>4 time?</p> <p>5 A. Yes.</p> <p>6 Q. What, if anything, did Ortiz say in response?</p> <p>7 A. He didn't say nothing right away, but after a</p> <p>8 certain amount of time, he told him that they assigned</p> <p>9 me to that cell, "We are going to put him in the cell</p> <p>10 anyway."</p> <p>11 Q. Had you seen that cell at that point?</p> <p>12 A. I never saw the cell.</p> <p>13 Q. Did Officer Ramos say anything in response to</p> <p>14 Officer Ortiz saying that they were going to put you</p> <p>15 in that cell anyway?</p> <p>16 A. No.</p> <p>17 MR. FIELD: Just one second.</p> <p>18 (Off the record.)</p> <p>19 BY MR. COYNE:</p> <p>20 Q. Did Officer Ivory say anything in response to</p> <p>21 anything Ortiz or Ramos had said?</p> <p>22 A. No.</p> <p>23 Q. At some point, did you say something?</p> <p>24 A. Yes. I asked to speak to a sergeant or a</p>
<p>17</p> <p>1 2014, happened?</p> <p>2 A. It was my first time seeing him when I got</p> <p>3 transferred.</p> <p>4 Q. I understand that you were going to be</p> <p>5 transported to a particular cell originally; is that</p> <p>6 fair?</p> <p>7 A. Yes.</p> <p>8 Q. At some point, you overheard a conversation</p> <p>9 regarding the condition of that cell; is that true?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me about that, what you</p> <p>12 overheard?</p> <p>13 A. At the time that they was trying to place me</p> <p>14 into the assigned cell, Correctional Officer Ramos,</p> <p>15 came and told Officer Ortiz that I could not be placed</p> <p>16 inside of the cell because it was a quarantine.</p> <p>17 Q. At the time that statement was made, it was</p> <p>18 made by Ramos to Ortiz?</p> <p>19 A. Exactly.</p> <p>20 Q. Besides you, was there anyone else present?</p> <p>21 A. Correctional Officer Ivory.</p> <p>22 Q. Anyone else present besides them?</p> <p>23 A. Just us.</p> <p>24 Q. Did that conversation take place in the</p>	<p>19</p> <p>1 lieutenant, someone in charge.</p> <p>2 Q. Was that because you didn't want to go in the</p> <p>3 cell?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Why was that?</p> <p>6 A. Because the cell was quarantine. Officer</p> <p>7 Ramos told Ortiz that the cell was actually in a</p> <p>8 quarantine.</p> <p>9 Q. By "quarantine," what did you take that to</p> <p>10 mean?</p> <p>11 A. Contagious. Something that I can catch, like</p> <p>12 a disease. A way you can get sick, anything.</p> <p>13 Q. As of the time that Officer Ramos told</p> <p>14 Officer Ortiz that it was quarantined, did you have</p> <p>15 any other knowledge about the state of that cell other</p> <p>16 than what Ramos had told Ortiz?</p> <p>17 A. I just knew that officer -- see, Officer</p> <p>18 Ortiz was by the desk. He had the computer, like this</p> <p>19 computer right here (indicating). So I guess his job</p> <p>20 was to just log in the computer what cell that you go</p> <p>21 into.</p> <p>22 But Officer Ramos was the guy officer that</p> <p>23 actually was on the wings that actually knew about the</p> <p>24 wings, so I guess he informed Ortiz about the cell at</p>

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<p>1 the time.</p> <p>2 Q. At that point, you had yet to be in the cell.</p> <p>3 In fact, you were never in the cell?</p> <p>4 A. I never went in the cell.</p> <p>5 Q. As to the state of the cell whether it was,</p> <p>6 in fact, contagious or not, that was something you had</p> <p>7 no direct information about; is that fair?</p> <p>8 A. Yes.</p> <p>9 Q. Other than what Officer Ramos had said to</p> <p>10 Ortiz, did you ever have any other information about</p> <p>11 the state of that cell that you were supposed to go</p> <p>12 to?</p> <p>13 A. No. Just what Officer Ramos informed Ortiz.</p> <p>14 Q. So you asked to speak to a sergeant or</p> <p>15 Lieutenant because you had concerns about being sick</p> <p>16 if you were placed in a cell that was contagious?</p> <p>17 A. Exactly.</p> <p>18 Q. Did you ever speak to a sergeant or a</p> <p>19 Lieutenant?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Any time before the confrontation before you</p> <p>22 and Ortiz?</p> <p>23 A. It was way after the incident.</p> <p>24 Q. When I say -- I have use the word "subject</p>	<p>1 Q. Do you know if anyone had -- strike that.</p> <p>2 Do you know when the last time was that</p> <p>3 anyone was in that cell prior to you?</p> <p>4 A. I don't know.</p> <p>5 Q. Now, when you said Officer Ortiz was at his</p> <p>6 computer, do you mean he was in his room off the</p> <p>7 hallway?</p> <p>8 A. He was like right across maybe from where I</p> <p>9 was standing at. I would say it was like in a booth.</p> <p>10 Q. Was that booth in a room that was off the</p> <p>11 hallway?</p> <p>12 A. I can't say it was a room because there was</p> <p>13 no closed door. So it was just like a little booth.</p> <p>14 Q. To get to the booth, you would walk</p> <p>15 through -- you would walk to that booth through the</p> <p>16 hallway?</p> <p>17 A. To get to the booth?</p> <p>18 Q. Yes.</p> <p>19 A. The booth -- it's like a hallway separating</p> <p>20 the booth and the side that I was at.</p> <p>21 Q. Did you review the video that was generated</p> <p>22 from this incident?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Did you review that within the past 48 hours?</p>
<p>21</p> <p>1 incident, incident," and "confrontation." So to be</p> <p>2 fair to you, do you understand that when I say</p> <p>3 "subject incident" or "confrontation" or "incident," I</p> <p>4 am referring to the physical confrontation between you</p> <p>5 and Ortiz; is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have any other conversation -- strike</p> <p>8 that.</p> <p>9 Did Ramos say anything else to Ortiz other</p> <p>10 than what you've testified to prior to the</p> <p>11 confrontation with you and Ortiz?</p> <p>12 A. No.</p> <p>13 Q. So if I understood your testimony correctly,</p> <p>14 Ortiz said he was going to put you in that cell</p> <p>15 anyway?</p> <p>16 A. Exactly.</p> <p>17 Q. Did he make any statement about -- that is</p> <p>18 did Ortiz make any statement about the condition of</p> <p>19 the cell?</p> <p>20 A. No. He just said basically he didn't care,</p> <p>21 they assigned me to that cell, he going to put me in</p> <p>22 the cell anyway.</p> <p>23 Q. Do you know what the cell number was?</p> <p>24 A. I think it was 2-A.</p>	<p>23</p> <p>1 A. No, sir.</p> <p>2 Q. You have seen it at some point?</p> <p>3 A. Yes, sir.</p> <p>4 Q. As far as you're concerned -- we may watch</p> <p>5 the video here, but as far as you are concerned, did</p> <p>6 that video capture the incident that led to your</p> <p>7 filing the complaint against Officer Ortiz?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Were there any aspects of the incident that</p> <p>10 you believe were not accurately captured on that</p> <p>11 video?</p> <p>12 A. Was there any aspect?</p> <p>13 Q. Sure. I'll ask it in a different way.</p> <p>14 Was there anything that happened that you</p> <p>15 remember that was not captured on the video?</p> <p>16 A. The video showed everything clearly what</p> <p>17 happened.</p> <p>18 Q. Did the video that you watched, did it</p> <p>19 contain any audio at all?</p> <p>20 A. No audio.</p> <p>21 Q. Have you ever heard any recording of the</p> <p>22 conversation between you and Officer Ortiz that took</p> <p>23 place prior to the confrontation?</p> <p>24 A. Never.</p>



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<p>1 Q. To the best of your recollection, was Officer 2 Ivory depicted in the video at some point? 3 A. Yes, he was in the video. 4 Q. What about Officer Ramos? 5 A. Yes, he was in the video. 6 Q. After Officer Ortiz told you that you were 7 going to go in the cell anyway, despite your protest, 8 what, if anything, did you say? 9 A. All I asked was for a sergeant or white 10 shirt. 11 And I told him also that, "If I was you and 12 you was me, would you want me to go in a cell that's 13 quarantined?" That's what I did say. 14 I told him I didn't want to go in a cell 15 that's quarantined. I didn't want to get sick. 16 Q. Did he say anything in response to that? 17 A. He said, "If you don't get in the cell, we 18 are going to put you in the cell anyway," but he said 19 that as he was walking towards me, as he was 20 approaching me. 21 Q. And are you referring to the moments just 22 before the confrontation occurred? 23 A. Yes, like when he was right directly in front 24 of my face.</p>	<p>1 A. I tried to get on the ground. 2 Q. You tried to get on the ground. 3 So you tried to get on the ground as he was 4 approaching you, and were you still holding the bed 5 roll at that time? 6 A. No. 7 Q. You had let it go? 8 A. Yes. 9 Q. Was it your intent -- why was it your intent 10 to get on the ground? 11 A. Because I was nervous. I was frightened, 12 because I saw Officer Ortiz trying to do something 13 with me indulged in his hands. 14 Q. Was it your intent to get facedown or on your 15 back? 16 A. It was my intent to turn around and get 17 helped -- held loose, like on the ground, for me to 18 roll around on my stomach or lay down flat and just 19 turn around and give them my hands, that was my 20 objective. 21 Q. Why was that your objective at that point? 22 A. Because I was scared, I was nervous. After 23 he tried to reach -- after he came up into my face and 24 got to talk to me, after he actually reached for me</p>
<p>25</p> <p>1 Q. Other than what you've testified to, as far 2 as did Officer Ivory say anything to you at that 3 point? 4 A. No. 5 Q. What about Officer Ramos? 6 A. No. 7 Q. So the bulk of the conversation immediately 8 prior to the incident was between you and Officer 9 Ortiz? 10 A. Exactly. 11 Q. After Officer Ortiz started to approach you 12 in the manner you've described, what happened next? 13 A. He tried to -- I saw that he was trying to 14 put his hands on me like he was going to reach for me, 15 so I got nervous. 16 So I tried to get away from him because I 17 seen that he was actually trying to do something to me 18 with his hands. So I stepped back away if him, but I 19 guess I fell. But I tried to get on the ground and 20 turn around and just get on the ground. 21 Q. At that point, you were not cuffed, correct? 22 A. No, sir. 23 Q. At the time he approached you, you said you 24 tried to walk away --</p>	<p>25</p> <p>1 and actually tried to touch me, I just tried to get on 2 the ground. 3 Q. What is your height and weight today? 4 A. I'm about 5-8, maybe 155, 160. 5 Q. Were you substantially the same weight on 6 January 17, 2014? 7 A. Probably so, yes. 8 Q. What happened next? 9 A. What happened next as far as? 10 Q. In the incident. 11 You got on the ground? 12 A. I got on the ground. I felt someone hitting 13 me, the officer is going to hit me. At least -- I was 14 just being hit. 15 After I was being hit, I felt a knee like, 16 you know, in my body. Just a knee like moving me 17 around a little bit, but then I was getting 18 handcuffed. 19 Q. Who was striking you? Who was hitting you? 20 A. I believe Officer Ortiz. 21 Q. Did you have a direct and unobstructed view 22 to Officer Ortiz at the time you were being hit? 23 A. I could not see directly. 24 Q. To the best of your knowledge, did anyone --</p>



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<p>1 well, let me back up.</p> <p>2 What's your -- what are your reasons for</p> <p>3 believing it was Officer Ortiz that hit you?</p> <p>4 A. What was my reasons?</p> <p>5 Q. Yeah, why did you believe that?</p> <p>6 A. Probably because I didn't do what he said as</p> <p>7 far as like -- he came towards me. I believe he was</p> <p>8 maybe upset at me.</p> <p>9 Q. As far as your belief that it was Ortiz that</p> <p>10 was striking you, is it your belief that he was the</p> <p>11 only one who hit you at that time?</p> <p>12 A. Yes.</p> <p>13 Q. Were you able to see him hitting you or do</p> <p>14 you just believe that for other reasons?</p> <p>15 A. I maybe seen him maybe the first swing or so,</p> <p>16 but after that I was trying to move my face. But I</p> <p>17 knew he was the one that was actually hitting me.</p> <p>18 Q. Did anyone other than Ortiz hit you at any</p> <p>19 time?</p> <p>20 A. No.</p> <p>21 Q. Were you -- at the time you were being hit,</p> <p>22 were you resisting arrest as far as you know?</p> <p>23 A. No.</p> <p>24 Q. Were you resisting at any point between the</p>	<p>1 saying, "Get on the ground," he was reaching on me</p> <p>2 too.</p> <p>3 Once I seen him reaching with his hands to</p> <p>4 try to touch me, I backed up and jumped away from him</p> <p>5 and then tried to get on the ground.</p> <p>6 Q. Did he threaten you in any way prior to your</p> <p>7 getting on the ground?</p> <p>8 A. He never threatened me. He just was trying</p> <p>9 to force me inside the quarantined cell.</p> <p>10 Q. Do you know how far the quarantined cell was</p> <p>11 from the location where the incident occurred?</p> <p>12 A. No.</p> <p>13 Q. Do you know whether it was on the same floor</p> <p>14 or the same level?</p> <p>15 A. I believe it's on the same level, but I don't</p> <p>16 know exactly where.</p> <p>17 Q. At some point, you were placed in handcuffs?</p> <p>18 A. Yes.</p> <p>19 Q. Other than the hitting that you received that</p> <p>20 you've already testified to, and the knee that you</p> <p>21 received into the body, is there any other physical</p> <p>22 contact?</p> <p>23 A. No.</p> <p>24 Q. If you know, do you know how many times you</p>
<p>29</p> <p>1 time Ortiz walked up to you and the time you were</p> <p>2 placed in handcuffs?</p> <p>3 A. No. All I did was get on the ground. I</p> <p>4 don't recall me resisting.</p> <p>5 Q. Were you ever instructed by Ortiz or anyone</p> <p>6 else to get on the ground?</p> <p>7 A. He told me prior to him trying to reach for</p> <p>8 me -- prior to him trying to grab me to get on the</p> <p>9 ground, he did tell me to get on the ground, but he</p> <p>10 did as in his motion trying to reach for me too.</p> <p>11 When I actually seen him trying to touch me,</p> <p>12 because he told me he was going to put me in the cell</p> <p>13 anyway, I got on the ground.</p> <p>14 Q. Was that the last thing he said to you before</p> <p>15 you got on the ground, that he was going to put you in</p> <p>16 the cell anyway?</p> <p>17 A. No, that wasn't the last thing he said to me.</p> <p>18 Q. What was the last thing he said to you before</p> <p>19 you started to get on the ground?</p> <p>20 A. "Get on the ground," as he was moving in</p> <p>21 motion.</p> <p>22 Q. So he told you to get on the ground, and then</p> <p>23 you were starting to get on the ground?</p> <p>24 A. He said it all in one motion. As he was</p>	<p>31</p> <p>1 were hit prior to being handcuffed?</p> <p>2 A. Maybe eight, nine times, punched.</p> <p>3 Q. After you were handcuffed, were you struck at</p> <p>4 any time by anyone?</p> <p>5 A. As I was getting handcuffed, I believe he was</p> <p>6 still swinging.</p> <p>7 Q. After the point where you were successfully</p> <p>8 handcuffed, were you hit by anyone?</p> <p>9 A. I wasn't hit by anyone.</p> <p>10 Q. After you were handcuffed, you were not hit?</p> <p>11 A. After I was handcuffed, he still hit me maybe</p> <p>12 a few times, but it was -- he was doing it -- while</p> <p>13 the other officer was handcuffing me, he was punching</p> <p>14 me.</p> <p>15 Q. At the point where both cuffs were placed on</p> <p>16 your wrist, were you struck at any time?</p> <p>17 A. Maybe a couple more times. I felt like</p> <p>18 somebody grab my DOC and, like, I believe it was Ortiz</p> <p>19 and, like, lift on me and then my head kind of hit the</p> <p>20 ground a little.</p> <p>21 Q. So as far as the physical contact between you</p> <p>22 and Ortiz, it consisted of him hitting you, to the</p> <p>23 best of your recollection, eight to nine times, and</p> <p>24 then you were also kneed at some point. Is that fair?</p>

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<p>1 A. I can't say "knee." His knee was just -- you 2 know how police officer -- well, they got someone on 3 the ground, how they have their knee inside the body. 4 Q. Other than that contact and the eight to nine 5 times being hit, was there any other physical contact 6 between Ortiz and you? 7 A. Only -- I believe he grabbed my shirt, lifted 8 my body up a little and let my head fall on the 9 concrete ground. 10 Q. When you say he let your head fall on the 11 concrete ground, just tell me specifically what you 12 mean by that? 13 A. Like he grabbed me and lifted my body up a 14 little while I was cuffed and then my head hit the 15 ground. 16 Q. I understand you're cuffed, so that limits 17 your ability to demonstrate. 18 But, for the record, the witness was -- had 19 his hands together and was lifting upwards from his 20 waist upwards.</p> <p>21 BY MR. COYNE:</p> <p>22 Q. How many times did that happen?</p> <p>23 A. Once.</p> <p>24 Q. After you were handcuffed, what happened</p>	<p>1 else who was at that scene? 2 A. I did not -- after they -- after I got up, I 3 believe there was another officer that maybe walked up 4 and gathered around and was talking to them, maybe one 5 more officer. 6 Q. What physical injuries did you sustain from 7 this confrontation? 8 A. I had a couple of knots in the back of my 9 head. I had a swollen eye, face was swollen. 10 I had a few migraines, migraines, sharp pains 11 in the head throughout the incarceration. Every so 12 often, just a sharp pain in the back of my head. 13 Q. Anything else? 14 A. No. 15 Q. Which eye was swollen? 16 A. I don't remember exactly which one as of now. 17 It's been a long time now, but... 18 Q. Was your vision affected in any way as a 19 result of this incident? 20 A. For maybe a week while my eye was swollen, 21 yeah, I mean -- I had a swollen eye, so, I mean, my 22 eye was messed up maybe until it got healed or until 23 the swelling went down. 24 Q. Are you -- you closed your left eye. Is it</p>
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<p>1 next? 2 A. I got up, I scooted against the wall and I 3 waited to talk to a sergeant or lieutenant. 4 Q. Did Officer Ortiz say anything to you after 5 you were handcuffed? 6 A. No. 7 Q. Did Ramos say anything to you after you were 8 handcuffed? 9 A. No. 10 Q. Did Ivory say anything to you after you were 11 handcuffed? 12 A. No. 13 Q. Did there come a time when the sergeant or 14 lieutenant arrived? 15 A. Yes. 16 Q. Do you know the name of that officer? 17 A. I don't know the name of the sergeant. 18 Q. Was it a white shirt? 19 A. Yes, sir. 20 Q. How much time elapsed between the time you 21 were handcuffed and the time the white shirt arrived? 22 A. Maybe 10 to 15 minutes. 23 Q. Besides Ramos, Ivory and Ortiz and yourself, 24 prior to the white shirt arriving, was there anyone</p>	<p>1 your -- 2 A. I am just describing -- I don't know exactly 3 which eye. 4 Q. The migraines that you sustained -- you 5 called them "migraines" -- had you suffered migraine 6 headaches any time before January 17, 2014? 7 A. Throughout my whole life? 8 Q. Any time before January 17. 9 A. Yes, I got migraines before, but it was a 10 sharp pain from the incident of him banging my head 11 against the ground. 12 Q. Let me pause for one moment. 13 Unless somebody objects, I am going to shut 14 the door. 15 (whereupon, the record was 16 read as requested.) 17 BY MR. COYNE: 18 Q. When you said that he banged your head 19 against the ground, earlier I wrote down that he 20 lifted you up and let your head fall to the concrete. 21 Are you referring to a separate encounter or 22 separate attack on you or is this the same one? 23 A. That's the same one. 24 Q. Based on your recollection, is it more</p>
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<p>1 accurate to describe it that he let your head hit the 2 ground or that he actually physically forced your head 3 into the concrete?</p> <p>4 A. He wanted my head to hit the concrete so he 5 made sure my head hit the concrete.</p> <p>6 Q. As to whether he let it fall or whether he 7 slammed it, are you able to say specifically --</p> <p>8 A. I can't say specifically. It sound like the 9 same thing.</p> <p>10 Q. You had a couple of knots on the back of your 11 head. Was it immediately in the rear of your skull or 12 on the left side or the right side?</p> <p>13 A. I had one knot right here, on the right of my 14 head, and maybe on the left side.</p> <p>15 Q. First one you indicated, for the record, was 16 above the color in the middle of the back of the 17 skull.</p> <p>18 The second one appeared to be to the left, 19 above your left ear, correct?</p> <p>20 A. Yes.</p> <p>21 Q. To the rear and above your left ear. 22 Were these two -- how long before these knots 23 resolved or went away?</p> <p>24 A. Maybe a couple of months.</p>	<p>1 Q. The sharp pains in the back of your head -- 2 did you say it was in the back of your head?</p> <p>3 A. Yes.</p> <p>4 Q. Were they the same as where you were 5 indicating where the knots were, is that where the 6 sharp pains were?</p> <p>7 A. Yes.</p> <p>8 Q. Had you ever taken any medication, 9 over-the-counter or otherwise, for headaches prior to 10 January 17, 2014?</p> <p>11 A. Yes.</p> <p>12 Q. Was it over-the-counter or prescription 13 medication?</p> <p>14 A. Just prescription medication.</p> <p>15 Q. Do you recall who the physician was who 16 prescribed those medications to you?</p> <p>17 A. I believe the medication that I took was 18 really pain medication that was here. So I don't know 19 if you mean that I was prescribed. I mean, it was 20 just the medication that I would receive when I was 21 here.</p> <p>22 Q. Did you have a primary care physician outside 23 of Cook County that treated you prior to January 17th?</p> <p>24 A. No. I just took regular pain medication. If</p>
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<p>1 Q. Did you bleed in any way as a result of the 2 confrontation?</p> <p>3 A. No. Just had a swollen face.</p> <p>4 Q. When you say you had a swollen face, was the 5 swelling restricted to one side of your face or the 6 other or was it on both sides?</p> <p>7 A. I believe this was -- it was to one side of 8 the face.</p> <p>9 Q. Do you know, was that -- you indicated to the 10 right. Do you recall which --</p> <p>11 A. I don't know exactly which side of the face 12 it was, but I know whatever side of the face it was, 13 it was one-half of the face that was swollen.</p> <p>14 Q. Understood.</p> <p>15 Was the swelling above the nose or below the 16 nose as well?</p> <p>17 A. Nose, the eye, it was all together, on one 18 side of the face.</p> <p>19 Q. To the best of your recollection, did the 20 swelling extend down below your nose line, in other 21 words, down to your jaw area?</p> <p>22 A. No. It was just the eye and maybe the nose 23 and maybe the part of my face, like the jaw, 24 everything, things like this (indicating).</p>	<p>1 my head hurt -- was hurting, I just took maybe an 2 Advil or Tylenol.</p> <p>3 Q. Had you ever been hospitalized overnight 4 prior to January 17, 2014?</p> <p>5 A. No.</p> <p>6 Q. Had you ever been in a car accident before 7 January 17, 2014?</p> <p>8 A. No.</p> <p>9 Q. Any physical altercation prior to that date 10 that resulted in you receiving medical treatment for 11 any reason?</p> <p>12 A. No.</p> <p>13 Q. The knots on the back of your head, I believe 14 you said they resolved within a couple of months?</p> <p>15 A. Yes.</p> <p>16 Q. The swelling in your face, how long before 17 that resolved?</p> <p>18 A. Maybe by the time I went home, within three 19 weeks it was down.</p> <p>20 Q. Do you remember when you went home after 21 January 17, 2014?</p> <p>22 A. I believe it was February 3rd.</p> <p>23 Q. The migraines, how long did they continue?</p> <p>24 A. I just, like, maybe had, like, maybe sharp</p>
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<p>1 pains throughout, like, every now and then I guess,      2 like, if I was stressed or something like that, I'd      3 get like a sharp pain from where I landed on my head.      4 Q. Did you receive any medical opinion that the      5 migraines that you experienced after the date of the      6 altercation were attributable to the altercation?      7 A. No, sir.      8 Q. Did you injure any part of your body below      9 your neck as a result of the altercation?      10 A. No, sir.      11 Q. Is it fair to say that within roughly one      12 month after the altercation, the physical injuries you      13 sustained had basically gone away?      14 A. Yes, sir. A month or two.      15 Q. I'm sorry?      16 A. A month or maybe two months.      17 Q. Did there come a time when you had filed a      18 grievance against Officer Ortiz?      19 A. Yes.      20 Q. Was that as a result of the incident?      21 A. Yes.      22 Q. What specifically caused you to file a      23 grievance?      24 A. It was the protocol -- or maybe the action   </p>	<p>1 to fall to the ground?      2 A. I didn't want him to actually touch me as      3 physically, like, because I know that some      4 correctional officers will beat you, like, put their      5 hands on you.      6 So as I seen him actually trying to put his      7 hands on me, I made myself to get helpless on the      8 ground so I wouldn't get touched.      9 Q. At that time, Officer Ortiz was pretty much      10 right in front of you, at the time you were going to      11 the ground?      12 A. He was in front of me. He's putting his      13 hands in my face.      14 Q. At that time, where was Ivory and Ramos? Do      15 you know if they were to the right, to the left, if      16 you know?      17 A. I believe one officer was maybe to the left      18 and both of them was on one side I believe, to my      19 left.      20 (Whereupon, Bolton Deposition      21 Exhibit No. 3 was marked for      22 identification.)      23 BY MR. COYNE:      24 Q. Mr. Bolton, I am going to show you -- first   </p>
<p>41</p> <p>1 that I had to do to maybe get something done about      2 what the officer had did to me.      3 Q. Clearly, you feel and felt that what Officer      4 Ortiz did to you was inappropriate, true?      5 A. Yes, sir.      6 Q. What specifically do you believe he did to      7 you that was inappropriate?      8 A. Hit me when I was on the ground, just putting      9 his hands on me as a correctional officer. It was      10 very inappropriate.      11 Q. Do you believe at the time he approached you      12 immediately prior to your going to the ground, do you      13 believe at that time he was within his rights as a      14 corrections officer, if you know?      15 A. Yes.      16 Q. It was at the point where he was attempting      17 to put his hands on you that he crossed the line, so      18 to speak?      19 A. Just him actually hitting me, like he was      20 hitting me and him grabbing me and banging my head      21 against the ground.      22 Q. As far as you're going on -- going to the      23 ground, was that something that was a result of your      24 decision or do you think he assisted you or caused you   </p>	<p>43</p> <p>1 show your counsel, what's been marked as Bolton      2 Exhibit 3. And this has already been marked. I am      3 going to show your counsel.      4 I am just going to ask you to take a look at      5 this. It's what I understand to be the Sheriff's      6 Office of Cook County Internal Affairs/Inspector      7 General Complaint Register.      8 For the record, it's Bates stamped PS6, -57,      9 and -58. I understand that to be three pages long.      10 Is this a document you have seen before, sir?      11 A. Yes.      12 Q. Is one of the documents you reviewed in      13 preparation for your deposition?      14 A. Yes.      15 Q. Could you kindly take a look at that? I want      16 to give you a chance to read it. If you've read it      17 recently enough, you can just let me know.      18 It is three pages long, so I am going to ask      19 you a few questions about the entire document.      20 MR. FIELD: The third page is not a part of      21 the actual Cook County Jail grievance. That's a      22 separate document.      23 MR. COYNE: Okay.      24   </p>

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<p>1 BY MR. COYNE:</p> <p>2 Q. Let's make a correction for the record.</p> <p>3 The complaint register based on plaintiff's</p> <p>4 counsel's representation is actually two pages long.</p> <p>5 So it should be P-56 and P-57; is that fair?</p> <p>6 MR. FIELD: Yes.</p> <p>7 BY MR. COYNE:</p> <p>8 Q. So P-58 appears to be a separate document.</p> <p>9 It actually says, "Detainee complaint notification."</p> <p>10 So just directing your attention to the first</p> <p>11 two pages of Exhibit 3, Mr. Bolton, is it fair to say</p> <p>12 that that's a document that you wrote yourself?</p> <p>13 A. Yes.</p> <p>14 Q. Where were you when you wrote that, if you</p> <p>15 remember?</p> <p>16 A. I believe I was at home.</p> <p>17 Q. It indicates the date of incident as</p> <p>18 January 17, 2014. To the best of your recollection,</p> <p>19 is that the date in fact when the incident occurred at</p> <p>20 the Cook County Jail?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Does your signature appear on the second page</p> <p>23 that is P-57?</p> <p>24 A. Yes, sir.</p>	<p>1 I signed was this paper right here (indicating).</p> <p>2 Q. To the best of your knowledge, was there</p> <p>3 anything else that you signed other than this document</p> <p>4 pertaining to your complaint against Officer Ortiz?</p> <p>5 A. Not that I know of, sir.</p> <p>6 Q. Is that fair?</p> <p>7 Was this at the home address that you gave</p> <p>8 earlier that this was created?</p> <p>9 A. Yes, sir, 1858 South Avers.</p> <p>10 Q. Okay.</p> <p>11 The location of incident is listed as</p> <p>12 Division VIII, 2-A.</p> <p>13 Is that your -- do you believe that's an</p> <p>14 accurate description of where with the incident</p> <p>15 occurred?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What does "2-A" refer to, to the best of your</p> <p>18 knowledge?</p> <p>19 A. I have no clue.</p> <p>20 Q. Did you write that in or was it written in</p> <p>21 for you?</p> <p>22 A. Did I write what in?</p> <p>23 Q. Division VIII, 2-A, under "Location of</p> <p>24 incident."</p>
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<p>1 Q. It indicates a date of March 16, 2015.</p> <p>2 To the best of your recollection, is that the</p> <p>3 date you both created and signed this document?</p> <p>4 A. Yes.</p> <p>5 Q. Who else was present when you wrote this up?</p> <p>6 A. When I wrote the Page 1.</p> <p>7 Q. Right. When you wrote it and signed it?</p> <p>8 A. It was some sheriff deputies.</p> <p>9 Q. Do you remember how many were present?</p> <p>10 A. There was two.</p> <p>11 Q. Do you remember their names?</p> <p>12 A. No.</p> <p>13 Q. Was this at your home?</p> <p>14 A. Yes.</p> <p>15 Q. Had they traveled to your home with your</p> <p>16 approval and your allowing them to enter your home?</p> <p>17 A. Yes.</p> <p>18 Q. And to the best of your knowledge, were they</p> <p>19 at your home in response to the grievance you filed</p> <p>20 against Officer Ortiz?</p> <p>21 A. Yes.</p> <p>22 Q. Were there any documents that you created and</p> <p>23 signed prior to this document regarding the incident?</p> <p>24 A. Was there any document? The only thing that</p>	<p>1 I am just asking you, did you write that or</p> <p>2 did somebody write that for you?</p> <p>3 A. I believe I wrote that.</p> <p>4 Q. How did you know it was 2-A where the</p> <p>5 incident occurred?</p> <p>6 A. Because I had a copy of my grievance.</p> <p>7 Q. The time of the incident said 3 to 11.</p> <p>8 Is that the shift during which the incident</p> <p>9 occurred?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Did you write that in?</p> <p>12 A. Yes,</p> <p>13 Q. As far as Page 1, is there any writing on</p> <p>14 this document that was the result of anyone else but</p> <p>15 you?</p> <p>16 A. Excuse me.</p> <p>17 Q. Did anyone else other than you write anything</p> <p>18 on Page 1 of this complaint?</p> <p>19 A. I did, just me.</p> <p>20 Q. Same question as to Page 2, other than the</p> <p>21 notary public.</p> <p>22 A. Just me.</p> <p>23 Q. Were you instructed to write any of the text</p> <p>24 on Page 1 or 2, or was it an entirely a result of your</p>
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<p>1 own decision?</p> <p>2 A. Run that by me one more time.</p> <p>3 Q. Did anyone tell you to write this or did you</p> <p>4 write it because you believe it's a true and accurate</p> <p>5 description of what occurred?</p> <p>6 A. I believe the sheriffs told me to write this</p> <p>7 down.</p> <p>8 Q. When you say told you to write, are you</p> <p>9 saying that they told you to write what happened or</p> <p>10 they told you to write these particular words?</p> <p>11 A. In order to go through with the proceedings,</p> <p>12 If I wanted to pursue everything, I believe they told</p> <p>13 me to write this down.</p> <p>14 Q. The text that appears under the narrative</p> <p>15 section on Page 1, do you believe that that's a true,</p> <p>16 accurate and complete description of what occurred at</p> <p>17 the time of the incident with Officer Ortiz?</p> <p>18 A. Yes.</p> <p>19 Q. In the middle that paragraph, it says officer</p> <p>20 Ortiz asked to you get on the ground.</p> <p>21 At what point did he ask you to get on the</p> <p>22 ground?</p> <p>23 A. As he was reaching, "Get on the ground," and</p> <p>24 he was reaching. So he did that as he was trying to</p>	<p>1 result of the incident?</p> <p>2 A. Yes.</p> <p>3 Q. Other than the physical problems that you</p> <p>4 have described earlier, were there any other injuries</p> <p>5 that you believe that you sustained that caused you to</p> <p>6 request physical attention or medical attention?</p> <p>7 A. No.</p> <p>8 Q. How long were you in -- well, let me ask you,</p> <p>9 where did you go to receive the medical attention?</p> <p>10 A. Cermak.</p> <p>11 Q. And how long after the incident were you</p> <p>12 transported there?</p> <p>13 A. How long after.</p> <p>14 Q. Yeah. I mean, how long did it take for them</p> <p>15 to get you over there?</p> <p>16 A. Maybe three hours, maybe three hours.</p> <p>17 Q. Where were you detained or where were you in</p> <p>18 between the time of the incident and the time you were</p> <p>19 transported to Cermak?</p> <p>20 A. I was sitting in -- are you saying where was</p> <p>21 I before I went there?</p> <p>22 Q. Yes.</p> <p>23 A. Sitting inside of a bullpen.</p> <p>24 Q. When you were sitting inside the bullpen when</p>
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<p>1 touch me.</p> <p>2 Q. Now, the last sentence it says, "I told</p> <p>3 sergeant when he approached me, but he just wrote it</p> <p>4 up as I fell on the ground on my own."</p> <p>5 Are you referring to what Officer Ortiz wrote</p> <p>6 up or what the sergeant wrote up?</p> <p>7 A. What the sergeant wrote up.</p> <p>8 Q. How did you come to know that that's what the</p> <p>9 sergeant wrote up?</p> <p>10 A. Because I believe when I got a copy of the</p> <p>11 grievance or some paperwork, that I seen the</p> <p>12 sergeant's response, and he said that I had fell on</p> <p>13 the ground on my own.</p> <p>14 Q. At the time you signed this document on</p> <p>15 March 16, 2015, did you believe it was a true,</p> <p>16 accurate, and complete description of what occurred at</p> <p>17 the time of the incident?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you continue to hold that opinion?</p> <p>20 A. Yes, sir.</p> <p>21 Q. After the incident, did there come a time</p> <p>22 when you went to the medical dispensary?</p> <p>23 A. Yes.</p> <p>24 Q. And did you request medical attention as a</p>	<p>1 you were sitting there, were you handcuffed?</p> <p>2 A. No.</p> <p>3 Q. How long did you have the cuffs on after the</p> <p>4 incident before they were removed?</p> <p>5 A. I believe -- once they placed me in the</p> <p>6 bullpen, I believe they took them off, but I don't</p> <p>7 know if they took them off or if I kept them off.</p> <p>8 Q. Who was in your presence while you were in</p> <p>9 the bullpen, if you remember?</p> <p>10 A. I don't know. The shift changed. I don't</p> <p>11 remember what officer really moved me over there, put</p> <p>12 me over there.</p> <p>13 Q. Did you have any other conversation after the</p> <p>14 incident -- strike that.</p> <p>15 Did you have any conversation after the</p> <p>16 incident with Officer Ortiz at all?</p> <p>17 A. No.</p> <p>18 Q. Did you have any conversation after the</p> <p>19 incident with Officer Ramos?</p> <p>20 A. No.</p> <p>21 Q. How about Officer Ivory?</p> <p>22 A. No.</p> <p>23 Q. You did talk to the white shirt about what</p> <p>24 happened?</p>
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<p>1 A. Yes.</p> <p>2 Q. Was there anyone else you talked to after the 3 incident other than the white shirt before you were 4 transported to Cermak?</p> <p>5 A. No.</p> <p>6 Q. Did you ever threaten Officer Ortiz?</p> <p>7 A. No.</p> <p>8 Q. As far as you know, did you have any visible 9 injury after the incident, if you know? In other 10 words, an injury that somebody could see?</p> <p>11 A. Yes.</p> <p>12 Q. Was that basically what you described 13 earlier, the swollen face?</p> <p>14 A. My face was swollen, I didn't...</p> <p>15 Q. It looks as if the medical -- or strike that. 16 It looks as if the hospital evaluation 17 occurred on or about January 18, 2014, at 18 approximately 2:14 a.m.</p> <p>19 Does that sound accurate, if you know?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. Do you know whether you were ever transferred 22 to special housing segregation after the incident 23 before you were discharged from Cook County Jail?</p> <p>24 A. No, I was never transferred to segregation,</p>	<p>1 When my hands were handcuffed behind my back, 2 I felt like he could have done anything to me. My 3 hands cuffed behind my back. So there is times where 4 I thought about mostly, like, why would this even 5 happen.</p> <p>6 Or if I was in the midst of trying to do 7 anything to him, you know what they would have done to 8 me? I would have been broken up, like totally broke 9 up, somewhat, because they all would have done 10 something to me. So yeah, I thought about it 11 emotionally, yes, it hurt. Then I locked down, locked 12 up. It's very stressful.</p> <p>13 On top of that, me just thinking about what 14 happened to me, I have no one to talk to, like my mom 15 is deceased and my dad is deceased, yeah, it was 16 emotionally, yes, stressful. It's just a stressful 17 situation.</p> <p>18 Q. The stress that you just described and the 19 emotional distress that you described, did there come 20 a time when that resolved, went away?</p> <p>21 A. It's like it will always be something that I 22 think about. It's like if you have, like, a friend, 23 when you forgive them for something but you never 24 forget what they did, it's always going to be in the</p>
<p>53</p> <p>1 never transferred to seg.</p> <p>2 Q. You never were you said?</p> <p>3 A. Never were.</p> <p>4 Q. Prior to your discharge from county jail, at 5 any point did you threaten Officer Ortiz?</p> <p>6 A. No.</p> <p>7 Q. Were you ever evaluated, to the best of your 8 recollection, by the chief psychiatrist at Cermak?</p> <p>9 A. Chief psychiatrist. Which is?</p> <p>10 Q. Just at Cermak.</p> <p>11 A. There's probably been a time that I have been 12 right there before. I don't know if during that time 13 that I was incarcerated, if I was there then or not. 14 I don't remember, but yes, I have been there before.</p> <p>15 Q. Separate and apart from the physical injuries 16 that you sustained from the incident, were there any 17 other types of injuries that you sustained?</p> <p>18 A. Any type of injuries?</p> <p>19 Q. Any other types of injuries. For example, 20 emotionally, psychological.</p> <p>21 A. I was stressed out because I felt like how 22 can I get beat up by a correctional officer when they 23 supposed to be here to help us. It's stuff that I 24 thought about.</p>	<p>55</p> <p>1 back of my mind that I never forgot what happened to 2 me. But I can let it go past, but it's still going to 3 always be there that this is what happened to me.</p> <p>4 Q. The feelings of stress that you described, 5 and I'm obviously talking about after the incident, 6 did they persist after you were discharged to Cook 7 County Jail.</p> <p>8 A. It's been a couple times that I thought 9 about, man, yeah, this guy did this to me. I mean, 10 yes, I thought about it. But, you know, when you're 11 outside and you're living, life is going on, it's just 12 going to be something that comes across you that you 13 just won't think about. You know, your life still 14 goes on.</p> <p>15 Q. Well, you were discharged from Cook County 16 Jail on or about February 3, 2014; is that fair?</p> <p>17 A. Yes.</p> <p>18 Q. After your discharge, how frequently would 19 you be troubled by these thoughts? Daily? Weekly? 20 Monthly?</p> <p>21 A. Maybe once a month. Maybe when I am just 22 feeling or thinking about, like, my mom and my dad, or 23 something that just comes to pass, come through as a 24 thought.</p>

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<p>1 Q. Are you still plagued by these thoughts?</p> <p>2 A. It still happened to me. I mean, I am never</p> <p>3 going to forget it. Like I just said, it happened.</p> <p>4 Now, the only thing I can think about is what</p> <p>5 if I tried to defend myself or anything like that.</p> <p>6 Stuff like that come to me, and I think about that</p> <p>7 type of stuff, too, what would have happened to me if</p> <p>8 I would have tried to defend myself or tried to help</p> <p>9 myself from getting touched or anything like that.</p> <p>10 So yeah, I mean, it's always going to be</p> <p>11 something I think about. Now that I got a son, when</p> <p>12 he gets a little bit older, I am going to let him</p> <p>13 know, I'm going to try to tell him.</p> <p>14 You know, so it's always going to be there in</p> <p>15 my head. You know, it's going to be there. But it's</p> <p>16 just maybe something that I know that happened to me,</p> <p>17 so it's going to be there.</p> <p>18 Q. We have discussed the physical injuries that</p> <p>19 you sustained and now you've described the emotional</p> <p>20 and, as you put it, the stress that you experienced as</p> <p>21 a result of the incident.</p> <p>22 In order to fully understand what happened to</p> <p>23 you as a result of this incident, is there anything</p> <p>24 else you think you need to testify to? Anything else</p>	<p>1 is something that go on all the time. So I'm just --</p> <p>2 I am really appreciated that something is actually</p> <p>3 happened behind it, you know.</p> <p>4 But I just wish it wouldn't happen to nobody</p> <p>5 because you never know how the next person will be</p> <p>6 able to take it. You know, you never know. You know</p> <p>7 what I'm saying?</p> <p>8 It's just people get beat up and just go on</p> <p>9 with it. Ain't nothing going to happen to them or</p> <p>10 nothing like that, it's just you in jail, you are</p> <p>11 going to beat up. This is what we do to you. That's</p> <p>12 all.</p> <p>13 Surprised my grievance even got turned in,</p> <p>14 because there is a lot of times when you write</p> <p>15 grievances, they rip up the grievances, people don't</p> <p>16 even see them. You got to give it to the right hands</p> <p>17 in order for it to go through the proper chains of</p> <p>18 command. So I am just blessed that my stuff actually</p> <p>19 went through, that stuff actually came to light.</p> <p>20 Q. Had you filed a grievance at any time prior</p> <p>21 to this one?</p> <p>22 MR. FIELD: What do you mean by "this one"?</p> <p>23 THE WITNESS: You mean before?</p> <p>24 BY MR. COYNE:</p>
<p>57</p> <p>1 you'd want to add in addition to what you've testified</p> <p>2 to thus far as far as the injuries you sustained in</p> <p>3 this incident?</p> <p>4 A. Anything else that I want to add?</p> <p>5 Q. What I'm saying is in order to appreciate --</p> <p>6 you testified to your physical injuries, you testified</p> <p>7 to the stress.</p> <p>8 My question is, in order to fully appreciate</p> <p>9 the injuries and bad things that you experienced as a</p> <p>10 result of this incident, is there anything else that</p> <p>11 you would need to add to make that description</p> <p>12 complete?</p> <p>13 A. I just wish that stuff that happened to me</p> <p>14 wouldn't happen to the people just at all, like,</p> <p>15 because you never know what anybody is going through.</p> <p>16 You never know what one person's life is like as far</p> <p>17 as just being inside this little thing. That's how</p> <p>18 they are. I never want anybody to go through what I</p> <p>19 went through.</p> <p>20 It's been going on a lot. It goes on a lot</p> <p>21 of times and all the time, you know.</p> <p>22 I am surprised that something even happened,</p> <p>23 you know, as far as someone to see or appreciate what</p> <p>24 happened to me. Because this common, you know, this</p>	<p>59</p> <p>1 Q. You've identified Exhibit 3, you have</p> <p>2 identified the complaint that you filed.</p> <p>3 When you say "a grievance," is that what you</p> <p>4 mean? Are you referring to the complaint you filed</p> <p>5 against Officer Ortiz?</p> <p>6 A. Yes.</p> <p>7 Q. Have you ever filed a complaint against any</p> <p>8 other officer prior to January -- prior to this</p> <p>9 incident?</p> <p>10 A. I don't remember.</p> <p>11 Q. Have you filed a complaint against anybody</p> <p>12 other than this one?</p> <p>13 A. If something went on that I didn't like, I am</p> <p>14 pretty sure I probably filed a grievance.</p> <p>15 Q. Do you have any specific recollection of a</p> <p>16 grievance where you actually signed a document to</p> <p>17 support a complaint that you were making?</p> <p>18 A. No.</p> <p>19 Q. Other than this one?</p> <p>20 A. No, I don't remember.</p> <p>21 Q. Do you believe that anyone employed by</p> <p>22 Cook County Sheriff's Department took any steps to</p> <p>23 prevent you from filing your lawsuit in this case at</p> <p>24 any time?</p>



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1 A. Do I believe? No.	1 A. I haven't been employed in maybe a few years
2 Q. I understand you had a civil case that was	2 because I had my grandmother -- my grandmother and my
3 filed where you sued a company or a person named	3 uncle, like familywise, they have, like, a barbershop.
4 Heatherington; is that true?	4 So I actually help around the barber shop. If I need
5 A. Which one? My father? Is that what you are	5 something like that, my grandmother is able to help
6 recalling -- what you are saying?	6 provide me.
7 Q. In discovery, there was identification of a	7 My grandmother is getting old. And so I
8 civil lawsuit that was filed by you or at your -- on	8 basically try to stick around her house, and she has a
9 your behalf.	9 few houses, try to help her -- my grandmother.
10 A. My father had passed away, fell down some	10 Q. So you help your grandmother around the
11 stairs -- if that's what you're saying. I am trying	11 house?
12 to help see -- that's the only thing that I know of.	12 A. She got a couple -- well, she owns a couple
13 It would have been my dad who filed it also,	13 apartments and I help her around all the apartments.
14 but he was brain dead at the time and he passed away	14 I mow the grass.
15 at Kindred Hospital.	15 Q. I'm sorry, I didn't hear you.
16 Q. At Kindred?	16 A. Mow grass, shovel snow, clean up the barber
17 A. Yes, Montrose and Rockwell.	17 shop. When people getting through cutting their hair,
18 Q. Do you know was that a wrongful death suit?	18 I help them. If they fixing up the barber shop, I do
19 A. Yes.	19 stuff like that.
20 Q. Were you appointed the special	20 I have tried to go to do labor work. I was
21 representative?	21 at a company called Accurate, but it's been a couple
22 A. Yes, I am my daddy's only child. So he was	22 times where background showed up where they didn't let
23 brain dead, he couldn't talk and couldn't do nothing,	23 me work no more.
24 so it was left to me.	24 Q. You have two felony convictions?

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1 Q. Did you testify at a deposition at any point	1 A. Yes.
2 in that case?	2 Q. One is for domestic battery?
3 A. No.	3 A. Yes.
4 Q. Do you know if there were any depositions	4 Q. What's the other one for?
5 that took place as a result of that lawsuit being	5 A. A drug case, 2005.
6 filed?	6 Q. Is that cannabis?
7 A. If it was, I believe it was with my sister.	7 A. No.
8 Q. Your sister was not the biological daughter	8 Q. What was the drug involved?
9 of your father?	9 A. Ecstasy pill.
10 A. No.	10 Q. Was that possession or possession with intent
11 Q. Did you sign any documents in the course of	11 or delivery?
12 the investigation of that lawsuit that you know of?	12 A. It was a possession with intent.
13 A. I don't remember.	13 Q. Were there any co-defendants in that case, if
14 Q. Do you know who the attorney was that	14 you recall?
15 represented your father's estate?	15 A. No.
16 A. Yes.	16 Q. That was in Cook County, right?
17 Q. Who was that?	17 A. Yes.
18 A. Frank Santilli.	18 Q. Have you ever served a period of time of
19 Q. Frank Santilli?	19 incarceration in the Illinois Department of
20 A. Yes.	20 Corrections?
21 Q. Prior to your becoming in custody at Cook	21 A. Yes, I have been in boot camp, and I had --
22 County Jail this time, were you employed?	22 yes, and I had a year.
23 A. Was I employed? No.	23 Q. When you say you had a year, was that at
24 Q. When is the last time you were employed?	24 Stateville? Do you know where you served?

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<p>1 A. I had majority of my time in -- I stayed in 2 Stateville for like a month. 3 Q. In all how many felony convictions do you 4 have altogether? 5 A. Three. 6 Q. Have you ever violated your probation? 7 A. I had probation once before and they 8 terminated me unsatisfactory, that's why I got boot 9 camp. 10 Q. Did you testify at any probation violation 11 hearings? 12 A. No. 13 Q. Have you ever been found to be a parole 14 violator? 15 A. Yes. 16 Q. Did you testify at any parole violation 17 hearings approximately? 18 A. No. 19 Q. Other than your testimony here today, have 20 you ever testified under oath before today for any 21 reason at all? 22 A. Yes. 23 Q. When was that? 24 A. When I had got my drug case, I testified</p>	<p>1 regarding this incident? 2 A. The first time was actually when the IA, the 3 sheriffs, they came to my house maybe the end of 2015 4 and they told me that they had a video and they wanted 5 to ask me if I wanted to go through with everything 6 still. 7 And I told them yes, I want to go through 8 with everything still. 9 Just like the officers that came to my house 10 the previous time, which was what? That was March 16, 11 2015. I told them I wanted to go through with 12 everything. Just as well. The other officer, they 13 asked when they came to my house, did I want to go 14 through with everything. 15 They told me that they wanted me to come to 16 the County and give them my side of the story or 17 whatever the case may be. And that's when I -- I 18 didn't want to go to the County by myself, so I 19 contacted an attorney then. 20 Q. I'd like you to appreciate that I don't want 21 to know anything you said to the attorney. I don't 22 want to know anything the attorney said to you. 23 A. Okay. 24 Q. But to the best of your knowledge, first of</p>
<p>65</p> <p>1 under oath. 2 Q. Was that a bench trial or a jury trial? 3 A. It was a bench trial. 4 Q. There was a finding of guilty or not guilty? 5 A. Guilty. 6 Q. Besides that testimony -- let me back up. 7 What year was that that you gave that 8 testimony? 9 A. 2005. 10 Q. Was that at 26th and California? 11 A. Yes. 12 Q. Any other testimony that you've provided 13 under oath other than today and then? 14 A. No. 15 Q. Have you ever testified at a deposition 16 before for any reason? 17 A. No. 18 Q. Were you aware of, as of January 18, 2014, 19 that there was a timeline that governed your ability 20 to file a lawsuit in Cook County? 21 A. No, sir. 22 Q. I don't want to know anything that was said 23 by you to your attorneys or your attorneys to you, but 24 when was the first time that you contacted an attorney</p>	<p>66</p> <p>1 all, it was a civil attorney, correct, not a criminal 2 attorney? 3 A. Yes, sir. 4 Q. What was the date of that first contact with 5 the attorney? 6 A. I believe it was in January -- I am not for 7 sure, though, 2016, that they wanted me to come and 8 tell them something about my side of the story. 9 Q. When you say "they," are you referring to 10 employees with Cook County Sheriff's Department? 11 A. Yes, sir. 12 Q. As of January 17, 2014, you understood 13 there's a difference between a criminal case and a 14 civil case, correct? 15 A. Do I understand? 16 Q. As of January 17, 2014, at that time, you 17 understood there's a difference between a civil case 18 and a criminal case, correct? 19 A. I am pretty sure the difference is two 20 different things, one's civil and one's criminal, yes. 21 Q. At that time, you had already filed, or there 22 had been a lawsuit filed on your behalf, the wrongful 23 death case resulting from your father's problem? 24 A. Yes.</p>



<p>1 Q. Is it fair to say that you understood that      2 the Cook County Sheriff's Department employees were      3 not contacting you regarding any civil suit that you      4 might have; is that fair?</p> <p>5 A. No, I didn't know exactly what was going on.      6 I just knew that when they told me that they      7 basically -- when they came to my house, by them      8 asking me if I wanted to go through with everything, I      9 thought it was like a whole process all together,      10 like, that they had -- that they had going on as far      11 as the civil lawsuit.</p> <p>12 Q. Is that belief, is that something that      13 resulted from something they told you or is it just      14 something you believed?</p> <p>15 A. They told me that I didn't have to worry      16 about nothing, that they was going to take care of      17 everything. So I had beliefs that maybe something      18 civil was coming out just dealing with the sheriffs.</p> <p>19 Q. Well, you understood they weren't -- first of      20 all, did you believe they were attorneys --</p> <p>21 A. No.</p> <p>22 Q. Diaz and Montanez?</p> <p>23 A. I know they was not attorneys, but I thought      24 they were going to help me get attorneys or help me as</p>	<p>1 Q. And the two people that saw you on that date,      2 who were they?</p> <p>3 A. I don't know.</p> <p>4 Q. Did you understand that they were      5 investigators or corrections officers?</p> <p>6 A. They told me that they were investigators,      7 IA, that was looking into my stuff. They asked me if      8 I wanted to go through with the -- with my complaint.      9 And I told them yes.</p> <p>10 Q. When you said your complaint, that was the      11 complaint that you filled out, correct?</p> <p>12 A. The grievance -- the grievance. Everything      13 that I said about what had happened to me.</p> <p>14 Q. That was the document that you saw here      15 today, correct? Exhibit 3?</p> <p>16 A. No, it was -- I had another grievance that I      17 wrote from the jail. There was another -- there was      18 something else that I wrote, a summary that you showed      19 me today.</p> <p>20 Q. Let me make sure I understand. So you are      21 saying you had filled out two separate grievances?</p> <p>22 A. Yes, I had a grievance that I filled out from      23 when I got -- when I was incarcerated already that I      24 filled out, that was the first grievance that I wrote.</p>
<p>69</p> <p>1 far as in the process when they first came to my      2 house. By them telling me don't worry about anything,      3 I don't have to say nothing or nothing, they were      4 going to get in contact with me, stuff like that, and      5 I thought they were going to help me do that.</p> <p>6 Q. When you say "they," are you referring to      7 officers Diaz and Montanez?</p> <p>8 A. Diaz, Montanez, and the other two officers      9 that asked me did I want to go through -- they came to      10 my house at first, too.</p> <p>11 By them telling me, "Don't worry about      12 nothing," I don't have to worry about nothing, they      13 are going to take care of everything, I thought that      14 was like a process as far as with civil, that they      15 were going to help me with.</p> <p>16 Q. Well, the first contact you had at your home      17 with employees or representatives of the Cook County      18 Sheriff's Department, that would have been March 16th,      19 2015, true?</p> <p>20 A. Yes.</p> <p>21 Q. Was that the first time that you had contact      22 outside the jail with employees of the sheriff's      23 department?</p> <p>24 A. Yes.</p>	<p>71</p> <p>1 Q. Was that grievance -- was there anything in      2 that grievance that was not contained in the grievance      3 that you saw here today?</p> <p>4 A. No. Maybe that's probably was a better      5 grievance because it was the one I wrote the day after      6 the incident, like the time -- the other paperwork was      7 what I had -- what date? March 15, '13, that was what      8 I wrote then.</p> <p>9 Q. Well, the March 16, 20 -- strike that. Let      10 me back up a little bit.</p> <p>11 As of any time between January 17 and the      12 time you were discharged on February 3, 2014, did      13 anyone tell you, anyone, that they were acting on your      14 behalf as far as filing a complaint against Ortiz?</p> <p>15 A. No.</p> <p>16 Q. Any time between February 3, 2015, and      17 March 16, 2015, did anybody tell you they were acting      18 on your behalf in terms of filing a complaint against      19 Ortiz?</p> <p>20 A. You say as of February 3 until when?</p> <p>21 Q. So from the time you were discharged from      22 Cook County Jail on February 3rd, 2014, and March 16,      23 2015 when you met with the two employees --</p> <p>24 A. Yes.</p>



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1       Q. -- of the sheriff's department in your home, 2 in that time period, did anybody tell you they were 3 acting on your behalf to file a complaint against 4 Ortiz?	1       I actually found the copy of my grievance. 2       Q. So the officers that visited you on 3 March 16th, 2015, if I understand your testimony 4 correctly, you don't recall their names, true?
5       A. Just the IA people that actually talked to me 6 on that day.	5       A. Yes.
7       Q. Do you recall how those two individuals were 8 addressed?	6       Q. Now, Montanez, Diaz visited you on a separate 7 day, correct?
9       A. They had on sheriff uniforms with a 10 bullet-proof vest that had "Sheriff's" on the back.	8       A. Yes.
11      Q. Was there two men or a man and woman?	9       Q. Was that at your house as well?
12      A. I don't remember.	10     A. Yes.
13      I know it was one man that -- the first time 14 they came, I don't know if it was two males the first 15 time. I don't know about the first time.	11     Q. What was the date of that visit if you 12 recall?
16      Q. The first time, just so we are on the same 17 page, you are talking about March 16, 2015.	13     A. I don't remember the date.
18      A. Yes, sir.	14     Q. Was it in 2015?
19      Q. Was your grandmother present during that 20 meeting?	15     A. I don't know if it was 2015 or if it was --
21      A. Yes.	16     yes, I believe it was the end of September -- was it?
22      Q. Was your grandmother writing anything down 23 during that meeting?	17     I don't know exactly. I don't know exactly.
24      A. No.	18     Q. At any time, did there -- in the conversation 19 with the officers that visited you on March 16, 2015, 20 did the subject of the civil lawsuit as a result of 21 the incident ever come up?
	22     A. No. They just told me I didn't have to worry 23 about nothing, that they was going to take care of 24 everything. So I believed that they were going to

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1       Q. Was she recording anything during that 2 meeting?	1       I help me as far as with the civil lawsuit.
3       A. No.	2       Q. When they said they were going to help you 3 with everything, was that a word that they used, they 4 were going to help you with everything?
4       Q. Were you recording anything during that 5 meeting?	5       A. They told me that I didn't have to worry 6 about nothing, that they were going to get in contact 7 with me. I didn't have to do nothing.
6       A. No.	8       Q. Did you ask them what that word "everything" 9 meant?
7       Q. Were you writing anything down?	10      A. No, I never asked them what "everything" 11 meant.
8       A. No.	12      They just told me that they was investigating 13 what was going on and that was it.
9       Q. Was there anyone else present besides you, 10 your grandmother and the two officers?	14      Q. When did you first, you individually, first 15 decide that you wanted to file a civil lawsuit as a 16 result of the incident?
11      A. No.	17      A. When they asked me to come to the county to 18 give them my side of the story.
12      Q. Did they leave behind business cards when 13 they visited, do you recall?	19      Q. When was that?
14      A. No, they just told me that they will get in 15 contact with me, that they'll keep in touch with me 16 and they will be in contact with me.	20      A. I believe that was January 2016, I believe.
17      Q. Did they leave with the grievance that you 18 had filled out and signed?	21      Q. When you said they asked you to come to the 22 county, who was it that asked you to come to the 23 county?
19      A. They asked me did I have a grievance, and I 20 believe I had provided it for them.	24      A. Diaz and Montanez, they called me and asked
21      Q. One of them you filled out that day, correct, 22 March 16th?	
23      A. That was the one I filled out that day. It 24 probably was with Montanez and the other, Diaz, when I	

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1 me to come up there and give them my side of the 2 story. 3 Q. Had you met with Diaz and Montanez at your 4 home at any time prior to that date? 5 A. Yes, they came to my home prior to that. 6 Q. How long were they at your house the first 7 time they came to your home? 8 A. Maybe 15 minutes to 20 minutes. 9 Q. As to that meeting, was your grandmother 10 present? 11 A. Yes. 12 Q. Did she take any notes? 13 A. No. 14 Q. Did she record anything? 15 A. No. 16 Q. Did you take any notes? 17 A. No. 18 Q. Did you record anything? 19 A. No. 20 Q. Was anyone else present besides you, the two 21 officers and your grandmother? 22 A. No. 23 Q. Where in your home did that take place, the 24 living room, dining room, kitchen, basement?	1 A. Vince. 2 Q. Was that in January of '16? 3 A. Yes. 4 Q. Do you recall the date in January of 2016? 5 A. I don't know exactly what date. 6 Q. You had -- previously as a result of your 7 father's death, you contacted an attorney to file a 8 lawsuit, correct? 9 A. Excuse me. 10 Q. As a result of your father's death? 11 A. As a result of my father's death? 12 Q. Maybe I misunderstood you. 13 I understood that as a result of your father 14 falling down the stairs, there was a lawsuit that was 15 filed. 16 A. Yes. 17 Q. Was that lawsuit instigated by you? 18 A. No, it was my daddy -- that was my first time 19 -- I am surprised it even happened like that. 20 I haven't seen my daddy in maybe three or 21 four years. The incident happened at my sister's 22 house and she was, at the time, on Section 8, but the 23 way just the houses were, but that was instigated -- 24 or the thought about the lawsuit happened by my
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1 A. Maybe the living room. 2 Q. So January 2016, if I understood your 3 testimony correctly, was the first time that you had 4 decided that you might want to pursue a civil lawsuit 5 as a result of the incident; is that fair? 6 A. Yes, when they asked me to come to the county 7 to give my side of the story. 8 Q. Did their request to you to come to the 9 county, did that have any bearing on your decision to 10 file a civil lawsuit? 11 A. I didn't want to go in there -- I didn't want 12 to go by myself to give them any type of testimony 13 about what happened to me alone by myself. I 14 didn't -- I didn't want to do that. 15 Then I thought that they was going to provide 16 me with some civil help by them knowing exactly what 17 happened to me, so I told myself that I am going to 18 get an attorney so I won't be in there, you know, 19 handicap. I didn't want to be there by myself alone. 20 That's when I got my attorney. 21 Q. Did you, in fact, go with your attorney to 22 the Cook County Jail? 23 A. Yes. 24 Q. What attorney was that?	1 daddy's side of the family. 2 Because we didn't want them to think it was 3 anything was up on us as something that we did to my 4 father, so they were all talking about filing the 5 lawsuit. 6 I was just my daddy's only child; I was my 7 daddy's beneficiary, so it was left upon me to make a 8 decision. 9 Q. When you say "make a decision," you agreed to 10 be the personal representative and you agreed for a 11 lawsuit to be filed? 12 A. I didn't have no choice. Everyone -- you 13 know, it's a family thing. We all sat back and 14 talked. Basically, I didn't have no choice. 15 Q. When you say you didn't have a choice, tell 16 me what you mean. 17 A. Didn't have no choice. I mean, they all 18 wanted to file a lawsuit, but they made me be part of 19 it because of where I was left at as far as my 20 father's life. 21 Q. After you are discharged from Cook County 22 Jail on February 3rd, 2014, we've talked about the 23 visit on March 16, 2015, and then we have also talked 24 about the visit by Diaz and Montanez to your home?
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1 Q. How many individuals were present in that 2 lineup, do you recall? 3 A. Six. 4 Q. Were you able to immediately identify him? 5 A. Yes. 6 Q. To the best of your knowledge, is there 7 anything that prevented you from filing a civil 8 lawsuit against Ortiz at sometime before January 17th 9 of 2016? 10 A. Like I said, like I thought that the county 11 sheriffs, like the IA was going to help me get into 12 the civil. 13 It wasn't until after I contacted my attorney 14 to go to the County that I found out that I was going 15 to have to do this stuff on my own. 16 Q. That was in January of 2016? 17 A. Correct. 18 Q. You said you thought that they were going to 19 do something to help you. 20 Did you ever ask them -- 21 A. No. 22 Q. -- to do something to help you? 23 A. No, I never asked them. I thought it was 24 their job or like a procedure, that after they got	1 A. No. 2 Q. Mr. Bolton, have you ever filed personal 3 bankruptcy? 4 A. No. 5 Q. Have you ever been sued as a defendant in a 6 civil case? 7 A. No. 8 Q. Other than the case filed as a result of your 9 father's -- 10 A. Death. 11 Q. -- death and this particular case, have you 12 ever been a plaintiff in any other lawsuit? 13 A. No. 14 MR. COYNE: I am going to pass for you guys 15 to go over whatever questions you have as I go through 16 my notes. I thank you for your time and attention. 17 THE WITNESS: Thank you. 18 MR. FIELD: You said you only have a couple. 19 MS. WEST: I only have a couple. 20 MR. FIELD: Why don't you go through yours 21 and then I'll do mine. 22 CROSS-EXAMINATION 23 BY MS. WEST: 24 Q. My name is Allyson West. I represent several
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1 through investigating, after the investigation, that 2 they was going to help me to get an attorney to file a 3 civil lawsuit. 4 Q. What information did you have or what 5 experience did you have that led you to believe that? 6 A. I just -- it was just hearsay with other 7 people -- myself, like other regular people, that I 8 thought that it was going to happen like that. It was 9 just other people. 10 Q. When you say "other people," are you saying 11 that somebody told you that the Cook County would 12 actually get you a civil attorney to file a civil 13 lawsuit? 14 A. Yes, other regular people. Just other people 15 that's been incarcerated and regular civilians. 16 Q. So that was basically something you assumed 17 was going to happen? 18 A. Exactly. 19 Q. Did you ever test that assumption in order to 20 determine if it was accurate -- 21 A. No, I never -- 22 Q. Let me just finish. 23 -- by asking anyone who was employed by 24 Cook County?	1 other officers, including Ramos and Ivory that you 2 briefly spoke about. 3 I wanted to ask you a couple questions about 4 your interaction with Officer Ivory and Officer Ramos. 5 A. Okay. 6 Q. You previously testified on the date of the 7 incident, that Officer Ramos and Ivory were present 8 during your physical altercation with Officer Ortiz; 9 is that correct? 10 A. Yes, ma'am. 11 Q. I apologize if this was already asked, but 12 when you say you received the physical blows, were you 13 laying on your stomach or were you on your back? 14 A. I was on my stomach -- I was on my stomach. 15 Q. At any point when you felt these physical 16 blows, did you ever see Officer Ivory? 17 A. I couldn't see him because my face was 18 towards the ground. 19 Q. At any point during the physical blows that 20 you received, did you ever see Officer Ramos? 21 A. No. I never seen them, I just felt them on 22 me. 23 Q. While this physical altercation is taking 24 place, do you recall hearing any conversation from any
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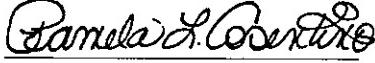
<p>1 of the three officers involved?</p> <p>2 A. I don't remember. I just was getting hit. I 3 don't remember.</p> <p>4 Q. Did you yourself say anything during this 5 physical altercation?</p> <p>6 A. Did I say -- no.</p> <p>7 Q. Do you recall who handcuffed you?</p> <p>8 A. I believe it was Ivory and Ramos.</p> <p>9 Q. Now, other than the one conversation that you 10 previously testified to that you had with Officer 11 Ramos after the incident, have you had any other 12 conversations with Officer Ramos?</p> <p>13 A. No.</p> <p>14 Q. Do you recall the name of the officer that 15 took you to the holding cell after the incident?</p> <p>16 A. I don't know.</p> <p>17 MS. WEST: That's all I have.</p> <p>18 CROSS-EXAMINATION</p> <p>19 BY MR. FIELD:</p> <p>20 Q. All right. Mr. Bolton, just a couple of 21 clarification questions.</p> <p>22 You were asked some questions about any 23 conversations you had with members of -- or staff at 24 Cook County Jail about the incident after January 17,</p>	<p>1 A. That could have been the next day, January 18 2 or the 19th. The following day whenever I got to the 3 housing unit and got settled down, I filled the 4 grievance about the incident and what happened to me.</p> <p>5 Q. You were asked some questions about the 6 document that you filled out in March of 2015, when 7 those first two officers came to visit you.</p> <p>8 Do you recall being asked questions about 9 that?</p> <p>10 A. Yes, they came to my house.</p> <p>11 Q. You were asked whether the description that 12 you wrote out in that grievance was accurate.</p> <p>13 Do you remember that question?</p> <p>14 A. Yes.</p> <p>15 Q. You filled out that document to the best of 16 your knowledge at the time; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. You were asked questions about the lineup 19 where you identified Officer Ortiz.</p> <p>20 That was a photographic lineup, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Officer Ortiz was not there in person, 23 correct?</p> <p>24 A. No, it was with a picture. It was like a</p>
<p>89</p> <p>1 2014, do you recall those questions that counsel asked 2 you about any conversations you had after January 17, 3 2014, while you were still incarcerated?</p> <p>4 A. Did I have any conversation with anyone?</p> <p>5 Q. Any other correction officer or member of the 6 jail while you were incarcerated, do you remember 7 being asked those questions?</p> <p>8 A. No.</p> <p>9 Q. Well, was there a time that you were -- I 10 will ask it a different way. Was there a time when 11 you were interviewed on video after the incident about 12 the incident itself?</p> <p>13 A. Yes, I believe the sergeant maybe could have 14 interviewed me, but I don't know if he actually did it 15 on camera or not.</p> <p>16 Q. But you were interviewed?</p> <p>17 A. I believe -- I believe so.</p> <p>18 Q. You were asked some questions about a 19 complaint that you signed.</p> <p>20 I just want to be clear, you filled out a 21 grievance while you were at the jail; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall what date you filled out that 24 grievance?</p>	<p>91</p> <p>1 picture with six different individuals on the 2 picture -- piece of paper.</p> <p>3 Q. Do you recall if that photographic lineup 4 occurred before or after the meeting with Mr. Nastoff?</p> <p>5 A. It occurred after the meeting with 6 Mr. Nastoff.</p> <p>7 Q. You have no legal training; is that correct?</p> <p>8 A. Excuse me?</p> <p>9 Q. You have no legal training?</p> <p>10 A. No.</p> <p>11 Q. You are not an attorney?</p> <p>12 A. No.</p> <p>13 Q. When those first two investigators came to 14 see you, did they tell you that there were any other 15 steps that you needed to take in order to pursue your 16 complaints against Officer Ortiz?</p> <p>17 A. No. They just told me that I didn't have to 18 do anything and they was going to get back in contact 19 with me containing the issue at hand.</p> <p>20 Q. What about when the second set of 21 investigators came to see you.</p> <p>22 Did they tell you that there were any 23 additional steps that you needed to take to pursue 24 your complaint against Officer Ortiz?</p>

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<p>1 A. No.</p> <p>2 Q. what did they tell you?</p> <p>3 A. They told me that they are investigating the 4 officer, and if I wanted to go through with the 5 charges -- or go through with what he did to me, that 6 they will be back in contact with me.</p> <p>7 Q. Was it your understanding at the time that 8 that second set of officers came to visit you, that if 9 you wanted to pursue charges against Officer Ortiz, 10 that you had to do what those investigators told you?</p> <p>11 MR. COYNE: Objection, form and foundation.</p> <p>12 BY MR. FIELD:</p> <p>13 Q. You can answer.</p> <p>14 A. Excuse me?</p> <p>15 Q. Sure. At the time that the second 16 investigators came to see you, Montanez and the other 17 investigator, was it your understanding that if you 18 wanted to pursue charges against Officer Ortiz, you 19 had to listen to what those investigators told you to 20 do?</p> <p>21 MR. COYNE: Same objection.</p> <p>22 THE WITNESS: Yes.</p> <p>23 MR. FIELD: That's it for me.</p> <p>24 MR. COYNE: I don't have anything.</p>	<p>1 STATE OF ILLINOIS ) 2 COUNTY OF COOK ) ss: 3 4 I, Pamela L. Cosentino, certified Shorthand 5 Reporter in the State of Illinois, do hereby certify 6 that on the 7th of March, A.D., 2017, the deposition 7 of the witness, LITROY BOLTON, called by the 8 Defendants, was taken before me, reported 9 stenographically and was thereafter reduced to 10 typewriting through computer-aided transcription. 11 The said witness, LITROY BOLTON, was first 12 duly sworn to tell the truth, the whole truth, and 13 nothing but the truth, and was then examined upon oral 14 interrogatories. 15 I further certify that the foregoing is a 16 true, accurate and complete record of the questions 17 asked of and answers made by the said witness, at the 18 time and place hereinabove referred to. 19 The signature of the witness was waived by 20 agreement. 21 The undersigned is not interested in the 22 within case, nor of kin or counsel to any of the 23 parties. 24</p>
<p>93</p> <p>1 MR. FIELD: We'll waive. 2 (FURTHER DEONENT SAITH NOT.) 3 (Whereupon the deposition 4 concluded at 3:12 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>95</p> <p>1 IN TESTIMONY WHEREOF: I have hereunto set my 2 verified digital signature this 14th of July, 2017. 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p> Pamela L. Cosentino, CSR License No. 084-003601</p>

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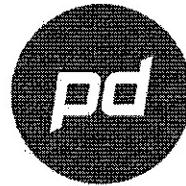
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# Transcript of Rodrigo Ramos

**Date:** March 22, 2017

**Case:** Bolton -v- The Sheriff of Cook County, et al.

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Transcript of Rodrigo Ramos  
Conducted on March 22, 2017

1 (1 to 4)

1	UNITED STATES DISTRICT COURT	1	Deposition of RODRIGO RAMOS, held at the
2	NORTHERN DISTRICT OF ILLINOIS	2	location of:
3	EASTERN DIVISION	3	
4	-----x	4	
5	LITROY BOLTON, :	5	LOEVY & LOEVY
6	Plaintiff, :	6	311 North Aberdeen, 3rd Floor
7	v. :	7	Chicago, Illinois 60607
8	THE SHERIFF OF COOK :	8	(312) 243-5900
9	COUNTY, individually and :	9	
10	in his official capacity; :	10	
11	COOK COUNTY; DR. NNEKA :	11	
12	JONES TAPIA; : Case No. 16 CV 5012	12	
13	(Caption continued on next page)	13	Pursuant to notice before Tiffany M. Pietrzyk, a
14		14	Certified Shorthand Reporter, Registered
15	Deposition of RODRIGO RAMOS	15	Professional Reporter, and a Notary Public in and
16	Chicago, Illinois	16	for the State of Illinois.
17	Wednesday, March 22, 2017	17	
18	2:03 p.m.	18	
19		19	
20		20	
21		21	
22	Job No.: 139309	22	
23	Pages: 1 - 84	23	
24	Reported by: Tiffany M. Pietrzyk, CSR RPR	24	
1	(Caption continued from previous page)	2	
2	DR. NNEKA JONES TAPIA, :	3	APPEARANCES
3	individually and in her :	4	ON BEHALF OF THE PLAINTIFF:
4	official capacity as :	5	VINCENZO FIELD, ESQUIRE
5	Executive Director of the :	6	LOEVY & LOEVY
6	Cook County Department of :	7	311 North Aberdeen Street
7	Corrections; JAMES CIUKAJ; :	8	3rd Floor
8	Correctional Officers :	9	Chicago, Illinois 60607
9	MIGUEL ORTIZ, RODRIGO :	10	(312) 243-5900
10	RAMOS, CODY LETTIERE, :	11	ON BEHALF OF THE DEFENDANTS:
11	CHRISTOPHER IVORY and :	12	MEGAN MCGRATH, ESQUIRE
12	UNKNOWN EMPLOYEES OF COOK :	13	COOK COUNTY STATE'S ATTORNEY'S OFFICE
13	COUNTY JAIL; Internal :	14	500 Daley Center
14	Affairs Investigator :	15	50 West Washington Street
15	JUAN F. DIAZ; Internal :	16	Chicago, Illinois 60602
16	Affairs Investigator :	17	(312) 603-5967
17	ESTHER MONTANEZ; UNKNOWN :	18	
18	EMPLOYEES OF COOK COUNTY; :	19	
19	UNKNOWN EMPLOYEES OF THE :	20	
20	OFFICE OF PROFESSIONAL :	21	
21	REVIEW OF THE COOK COUNTY :	22	
22	SHERIFF'S OFFICE; :	23	
23	Defendants. :	24	
24	----- x		

Transcript of Rodrigo Ramos  
Conducted on March 22, 2017

10 (37 to 40)

1 superintendant at any point after that day? 2 A. No. 3 Q. What about with anybody -- well, let me ask 4 you this first: Have you reviewed the video again 5 at any point since the time you reviewed it with the 6 superintendant? 7 A. No. 8 Q. Have you discussed the video with anyone 9 since that day that you reviewed it with the 10 superintendant? 11 A. Yes. 12 Q. Who did you discuss the video with? 13 A. My commander. 14 Q. Who is your commander? 15 A. Dominguez, Commander Dominguez. 16 Q. Anyone else? 17 A. That's it. 18 Q. When did you discuss the video with 19 Commander Dominguez? 20 A. I don't recall the exact date or time frame. 21 Q. Well, was it shortly after the incident 22 itself or -- 23 A. Yes. 24 Q. Do you recall the conversation that you had	37	1 A. I didn't tell him. 2 Q. Did you -- beyond telling 3 Commander Dominguez that Mr. Bolton had been taken 4 to the ground by Officer Ortiz, did you provide any 5 other details about Officer Ortiz's actions towards 6 Mr. Bolton? 7 A. No. 8 Q. Did Commander Dominguez ask you about 9 whether or not Officer Ortiz had struck Mr. Bolton? 10 A. No, because he seen it on the video. 11 Q. During the incident itself, did you witness 12 Officer Ortiz strike Mr. Bolton? 13 A. I did. 14 Q. We got off track a little bit. I want to go 15 back to you started to describe the incident itself. 16 We got to the point where you went back into the 17 tier, made a phone call to classification. 18 I believe your testimony was that you 19 confirmed that the inmate could be placed in that 20 cell; is that correct? 21 A. Yes. 22 Q. And then you came back out of the tier; is 23 that right? 24 A. That's correct.	39
1 with Commander Dominguez about the video? 2 A. I don't recall the conversation. 3 Q. Do you recall any of the details of that 4 conversation whatsoever? 5 A. Yeah. We just talked about the incident 6 itself and the -- what was seen on the video and the 7 incident itself. 8 Q. Okay. Did you bring up the issue, or did 9 Commander Dominguez bring it up? 10 A. Commander Dominguez. 11 Q. And what did Commander Dominguez want to 12 know about the video? 13 A. He -- I basically -- he basically wanted to 14 know what occurred in the situation, what occurred. 15 Q. And what did you tell Commander Dominguez? 16 A. Exactly what was on my report that I stated 17 earlier to you. 18 Q. Which was? 19 A. That the inmate was refusing housing and 20 that another officer got involved, which was 21 Officer Ortiz -- got involved, and the inmate was 22 taken down to the ground. 23 Q. Did you indicate to Commander Dominguez that 24 Officer Ortiz punched Mr. Bolton?	38	1 Q. And who did you inform that the inmate or 2 that Mr. Bolton could be placed in that cell? 3 A. The inmate, Ivory, and Ortiz. We were all 4 present outside the tier. 5 Q. And did Officer Ivory say anything to you at 6 that point when you said that the classification had 7 confirmed that you could put the inmate in that 8 cell? 9 A. I don't remember. 10 Q. What about Officer Ortiz? Did he say 11 anything? 12 A. I believe he told the inmate that he 13 couldn't refuse because the inmate was continuing to 14 refuse. He was asking to speak to a sergeant -- 15 Q. Okay. 16 A. -- at that point. 17 Q. Mr. Bolton was asking to speak to a 18 sergeant? 19 A. Yes. 20 Q. And Officer Ortiz told him that he could not 21 refuse to go into the cell; is that correct? 22 A. I believe -- I don't recall the words. I 23 don't recall the statement that was being -- 24 Q. But in some way he told him that he was	40

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Conducted on March 22, 2017

11 (41 to 44)

	41		43
1	going to be put in that cell?	1	Q. And, in fact, that's what you planned to do,
2	A. I don't recall.	2	to call the sergeant; is that correct?
3	Q. Well, I think you indicated a minute ago	3	A. I'm assuming at the time, yes.
4	that Officer Ortiz said something about the inmate	4	Q. When you say you're assuming at the time,
5	having to go into that cell, so I just -- I'm just	5	what do you mean by that?
6	trying to figure out what exactly it is that you	6	A. The way the incident played out, yes, I
7	remember.	7	would have called the sergeant.
8	A. I don't remember the exact words, but I	8	Q. And had you been given the opportunity to do
9	believe he was told he couldn't refuse housing.	9	so without any other officer acting, you would have
10	Q. And that was from Officer Ortiz?	10	done so; is that fair to say?
11	A. Yes.	11	MR. COYNE: Same objection.
12	Q. As part of your assignment that day, was it	12	MS. McGRATH: Joined.
13	your responsibility to put Mr. Bolton in the cell	13	A. That's fair to say, yes.
14	that he was assigned to?	14	Q. After you came out of the tier to indicate
15	A. Yes.	15	that classification had cleared the cell, did you
16	Q. It wasn't Officer Ortiz's assignment; is	16	say anything to Mr. Bolton beyond what you've
17	that correct?	17	already testified to?
18	A. That is correct.	18	A. No.
19	Q. When Mr. Bolton asked to speak to a	19	Q. Did Mr. Bolton say anything to you beyond
20	sergeant, whose responsibility was it at that point	20	what you've already testified to about asking for a
21	to determine whether or not a sergeant should be	21	sergeant?
22	contacted?	22	A. No.
23	A. That would be my responsibility.	23	Q. Did Officer Ortiz -- again, this is after
24	Q. And at any point before the incident itself	24	you've come out of the tier to indicate that
	42		44
1	where Officer Ortiz took Mr. Bolton to the ground,	1	classification had cleared the cell.
2	had you made a decision one way or the other about	2	Did Officer Ortiz -- beyond what you've
3	contacting a sergeant?	3	already testified to, do you recall if Officer Ortiz
4	A. Yes.	4	said anything else to Mr. Bolton?
5	Q. What decision had you made?	5	A. I don't recall.
6	A. I was going to call the sergeant.	6	Q. Do you recall Mr. Bolton saying anything
7	Q. Fair to say then that Officer Ortiz acted	7	else, beyond what you've already testified to, to
8	before you had an opportunity to call the sergeant?	8	Officer Ortiz?
9	A. Yes.	9	A. They had a discussion but I just don't
10	Q. Fair to say that if left to you, you would	10	recall the exact words of the conversation that they
11	have attempted to call the sergeant rather than	11	had.
12	attempting to take Mr. Bolton to the ground; is that	12	Q. So you recall there being a conversation;
13	correct?	13	but as you sit here today, you don't recall the
14	MR. COYNE: Objection. Foundation,	14	content of that conversation; is that correct?
15	speculation.	15	A. That's correct.
16	MS. McGRATH: Joined.	16	Q. Do you recall if Officer Ivory had said
17	A. Can you ask that again?	17	anything to Mr. Bolton again after you came out of
18	Q. Fair to say that if it was left up to you to	18	the tier and cleared the cell?
19	handle the situation on your own, that you would	19	A. I believe he did not.
20	have called the sergeant rather than attempting to	20	Q. And do you recall if Mr. Bolton said
21	take Mr. Bolton to the ground based on the situation	21	anything to Officer Ivory at that point?
22	presented to you?	22	A. I have no -- I don't remember.
23	MR. COYNE: Same objection.	23	Q. So I've gotten to the point where you've
24	A. Sure, yes.	24	come out of the cell. You indicated to everyone

Transcript of Rodrigo Ramos  
Conducted on March 22, 2017

12 (45 to 48)

<p>45     1 that the cell was clear and Mr. Bolton has indicated 2 that he still wants a sergeant called and he does 3 not want to go into that cell.</p> <p>4       Can you describe to me, based on your memory 5 as you sit here today, what happened next?</p> <p>6       A. I'm sorry. Yes. Ortiz went to grab 7 Inmate Bolton by the elbow to secure him, and Bolton 8 went and threw himself on the floor. That's when 9 Ortiz went on top of Bolton. Ivory went to secure 10 his legs. I walked around to assist in securing the 11 inmate.</p> <p>12      Q. When Mr. Bolton went to the floor, was he on 13 his back or his stomach?</p> <p>14      A. His stomach.</p> <p>15      Q. When Mr. Bolton went to the floor, did he 16 put his arms behind his back?</p> <p>17      A. No, he did not.</p> <p>18      Q. Well, when you went to handcuff Mr. Bolton, 19 did you have to struggle with him to handcuff him?</p> <p>20      A. We did.</p> <p>21      Q. So you said you viewed the video; is that 22 correct?</p> <p>23      A. Yes.</p> <p>24      Q. So your testimony as you sit here today is</p>	<p>45     1 Q. When Mr. Bolton was on the ground, did you 2 strike him in any way?</p> <p>3       A. No.</p> <p>4       Q. Did Officer Ivory -- based on what you 5 witnessed, did Officer Ivory strike Mr. Bolton in 6 any way?</p> <p>7       A. No.</p> <p>8       Q. When you were handcuffing Mr. Bolton, did 9 you feel like in any way that you needed to strike 10 him in order to handcuff him?</p> <p>11      A. No.</p> <p>12      Q. In fact, you were able to handcuff him 13 without striking him; isn't that correct?</p> <p>14      A. That's correct.</p> <p>15      Q. The only officer on the scene to strike 16 Mr. Bolton was Officer Ortiz; is that correct?</p> <p>17      A. That is correct.</p> <p>18      Q. And your testimony is that you witnessed 19 Officer Ortiz striking Mr. Bolton; is that correct?</p> <p>20      A. Yes.</p> <p>21      Q. How many times did you see Officer Ortiz hit 22 Mr. Bolton?</p> <p>23      A. I don't recall how many times.</p> <p>24      Q. Do you recall whether he hit him with a</p>
<p>46     1 that video will show you struggling with Mr. Bolton 2 to handcuff him; is that correct?</p> <p>3       A. That's correct.</p> <p>4       Q. But your testimony is that when Mr. Bolton 5 went to the ground, he was on his stomach, correct?</p> <p>6       A. That's correct.</p> <p>7       Q. I'm going to ask you a hypothetical. Take 8 Officer Ortiz out of the picture altogether.</p> <p>9       Based on everything we've talked about up 10 until this point, if, before you had a chance to 11 call the sergeant, if Mr. Bolton had just thrown 12 himself to the ground on his stomach, would it have 13 been an appropriate use of force on your part to 14 handcuff Mr. Bolton after he threw himself on the 15 ground?</p> <p>16      MR. COYNE: Objection. Form, foundation.</p> <p>17      MS. McGRATH: Same objections. Calls for 18 speculation.</p> <p>19      A. Yes.</p> <p>20      Q. It would have, correct? The use-of-force 21 training you received as an officer would have 22 allowed you to do that, correct?</p> <p>23      MR. COYNE: Same objection.</p> <p>24      A. To handcuff him, yes.</p>	<p>46     1 closed or open fist?</p> <p>2       A. I don't recall.</p> <p>3       Q. And that's -- you've reviewed the video, 4 correct?</p> <p>5       A. Yes.</p> <p>6       Q. Even based on your review of the video, as 7 you sit here today, you don't recall; is that 8 correct?</p> <p>9       A. I don't remember the video itself right now.</p> <p>10      Q. When you were handcuffing Mr. Bolton, did 11 you say anything to him that you can remember?</p> <p>12      A. Yeah. I asked him to give up his hands.</p> <p>13      Q. Okay. Did he say anything to you?</p> <p>14      A. No.</p> <p>15      Q. Do you recall if Officer Ivory said anything 16 to Mr. Bolton while you were attempting to handcuff 17 him?</p> <p>18      A. I don't recall.</p> <p>19      Q. Do you recall -- during the period of time 20 that you were attempting to handcuff Mr. Bolton, do 21 you recall him saying anything at all during that 22 period?</p> <p>23      A. No.</p> <p>24      Q. Do you recall if Officer Ortiz said anything</p>

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# **Transcript of SGT. James Ciukaj, Jr.**

**Date:** March 21, 2017  
**Case:** Bolton -v- The Sheriff of Cook County, et al.

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## Transcript of SGT. James Ciukaj, Jr.

1 (1 to 4)

Conducted on March 21, 2017

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3	LITROY BOLTON,	3	Examination by Mr. Coyne	97
4	Plaintiff,	4	Reexamination by Mr. Field	100
5	v.	No. 16-cv-5012		
6	THE SHERIFF OF COOK COUNTY, individually and in his official	6	E X H I B I T S	
7	capacity; COOK COUNTY; DR. NNEKA JONES TAPIA, individually and in	7	(None Offered)	
8	her official capacity as Executive Director of the Cook County Department of Corrections;	8		
9	SGT. JAMES CIUKAJ; Correctional Officers MIGUEL ORTIZ, RODRIGO RAMOS, CODY LETTIERE,	9		
10	CHRISTOPHER IVORY and UNKNOWN EMPLOYEES OF COOK COUNTY JAIL;	10		
11	Internal Affairs Investigator	11		
12	JULIAN DIAZ; Internal Affairs Investigator ESTHER MONTANEZ;	12		
13	UNKNOWN EMPLOYEES OF COOK COUNTY; UNKNOWN EMPLOYEES OF THE OFFICE OF PROFESSIONAL REVIEW OF THE COOK COUNTY	13		
14	SHERIFF'S OFFICE, Defendants.	14		
15		15		
16		16		
17		17		
18	The deposition of SGT. JAMES CIUKAJ, JR.,	18		
19	taken before David J. Demski, Certified Shorthand Reporter, and Notary Public, pursuant to the provisions of the Rules of Civil Procedure of the State of Illinois and the Rules of the Supreme Court thereof, pertaining to the taking of depositions	19		
20	for the purpose of discovery, at the Law Offices of	20		
21	Loevy & Loevy, 311 North Aberdeen Street, Chicago,	21		
22	Illinois, at 2:00 p.m. on Tuesday, March 21, 2017.	22		
23		23		
24		24		
2	APPEARANCES:	2	SGT. JAMES CIUKAJ, JR.	
3	LOEVY & LOEVY		having been first duly sworn by the court reporter,	
4	BY: MR. VINCENZO FIELD		was examined and testified on his oath as follows:	
5	311 North Aberdeen Street		EXAMINATION	
6	Chicago, Illinois 60607		BY MR. FIELD:	
7	(312)243-5900		Q Sergeant, can you please state and spell	
8	E-mail: vince@loevy.com		your full name, for the record?	
9	Appearing on behalf of the Plaintiff		A James A. Ciukaj, C-i-u-k-a-j, Jr.	
10	LAW OFFICES OF JOHN C. COYNE		Q Have you been deposed before?	
11	BY: MR. JOHN C. COYNE		A Yes.	
12	53 West Jackson Boulevard		Q How many times have you been deposed	
13	Chicago, Illinois 60604		before?	
14	(312)583-9500		A At least twice.	
15	E-mail: jcc@johncoynelaw.com		Q When was the last time previous to today?	
16	Appearing on behalf of the Defendants		A A couple years.	
17	COOK COUNTY STATE'S ATTORNEY		Q Was it in relation to your work at the	
18	BY: MS. MEGAN MCGRATH		Cook County Jail?	
19	500 Richard J. Daley Center		A I'm trying to remember. I work for	
20	Chicago, Illinois 60601		another police department so it was probably for	
21	(312)603-5967		that. No, I've not been -- anything here at Cook	
22	E-mail: meganmcgrath@cookcountylil.gov		County Jail.	
23	Appearing on behalf of the Defendants		Q I know you said you've been deposed a	
24			couple times before. I'll just go over the basic	
			ground rules so we can get through this as quickly	

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## Transcript of SGT. James Ciukaj, Jr.

13 (49 to 52)

Conducted on March 21, 2017

<p>1 boxes that they checked off the first page of the 2 report with their narrative on the second page, is 3 that correct?</p> <p>4     <b>A Correct.</b></p> <p>5     Q Looking at page 21. Does Officer Ramos 6 include any description in his narrative of the 7 punches that were delivered to Mr. Bolton by 8 Officer Ortiz?</p> <p>9     <b>A No.</b></p> <p>10    Q Fair to say that per the jail's policy, 11 he should have included a description of that, 12 Officer Ortiz's punches onto Mr. Bolton?</p> <p>13    <b>A It would be speculation. I don't know if 14 he saw it. So if he saw it, yes, but right now it's 15 speculation. I don't know what Officer Ramos had 16 saw.</b></p> <p>17    Q But your testimony as you sit here today 18 is that if he witnessed Officer Ortiz strike 19 Mr. Bolton, that he should have included that in 20 his narrative on this response to resistance use of 21 force form, is that correct, if he witnessed it?</p> <p>22    <b>A Correct.</b></p> <p>23    Q And if he witnessed it and he did not 24 include it in his narrative, that would have been</p>	<p>49</p> <p>1     Q That's why I was asking about 2 officer -- I apologize. I probably didn't ask the 3 question correctly.</p> <p>4     <b>A Well, no, actually you asked me if he put 5 it in here. And if he didn't see it then, no, it 6 would not be in here. So, you know, I can't 7 speculate what they saw. I can only go by what they 8 memorialized and wrote on paper right now.</b></p> <p>9     Q Sure. But just to be clear, again I 10 think it was because I didn't ask the question 11 correctly. But if Officer Ivory never struck 12 Mr. Bolton with a closed fist, he was under no 13 obligation to indicate on this form, to check out 14 closed punch, hand strike punch, is that correct?</p> <p>15    <b>A That's correct.</b></p> <p>16    Q Because that was not his response?</p> <p>17    <b>A That's correct.</b></p> <p>18    Q Okay. I understand your testimony is 19 that if he did not witness Officer Ortiz punching 20 Mr. Bolton, he would not have to include that in 21 his narrative, correct?</p> <p>22    <b>A That's correct.</b></p> <p>23    Q Because the narrative is only for what 24 that particular officer witnessed?</p>
<p>1 a violation of the jail's policy, is that correct?</p> <p>2     <b>A Correct.</b></p> <p>3     Q If we go to page 26 and 27, the response 4 to resistance use of force form for Officer Ivory 5 that we went through a couple of minutes ago, 6 looking at page 27. Does Officer Ivory include in 7 his narrative any description of the strikes that 8 were delivered to Mr. Bolton by Officer Ortiz?</p> <p>9     <b>A No.</b></p> <p>10    Q And just to be clear. Again because 11 Officer Ivory did not strike Mr. Bolton with a 12 closed fist, he had no -- he was under no 13 requirement for checking off closed hand strike 14 punch on his own use of force report form, is that 15 correct?</p> <p>16    <b>A Maybe he didn't see it. I don't know, 17 it's speculation at this point.</b></p> <p>18    Q So maybe I was assuming -- I was assuming 19 too much. Going back to Officer Ramos. If he had 20 scene Officer Ortiz punching Mr. Bolton, was he 21 required to check off on his use of force report 22 closed hand strike punch?</p> <p>23    <b>A No. Because he did not do that closed 24 hand strike punch.</b></p>	<p>50</p> <p>1     <b>A That's correct.</b></p> <p>2     Q But similar -- the same question as I 3 asked you about Officer Ramos. If Officer Ivory 4 witnessed Officer Ortiz punching Mr. Bolton and he 5 did not include that information in his narrative, 6 that would be a violation of the jail's policy, 7 correct, again, if he witnessed it?</p> <p>8     <b>A If he witnessed it, sure.</b></p> <p>9     Q When you review these forms -- well, let 10 me ask this first just to be clear. You were not 11 on the scene when this incident with Mr. Bolton 12 occurred, correct?</p> <p>13    <b>A That's correct.</b></p> <p>14    Q So when you review these forms, you don't 15 know one way or another what each of the particular 16 officers witnessed, is that correct?</p> <p>17    <b>A That's correct.</b></p> <p>18    Q When you review these forms do you speak 19 to the officers at all while you're reviewing them?</p> <p>20    <b>A Not while I'm reviewing them.</b></p> <p>21    Q Do you recall when you reviewed Officer 22 Ortiz's form in this case? I know again it's going 23 back a couple of years. As you sit here today, do 24 you recall reviewing that form?</p>